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Division of Legislative Reference
BULLETIN I.

DIGEST OF GOVERNORS MESSAGES

EDITED BY
THOMAS ASKIN,
Legislative Reference Librarian

DEPARTMENT OF HISTORY

STATE OF SOUTH DAKOTA



Division of Legislative Reference

BULLETIN I.

DIGEST OF GOVERNORS MESSAGES

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LETTERS OF TRANSMITTAL

Hon. Robert S. Vessey,
Governor of South Dakota.

SIR—I have the honor to hand you herewith a digest of the several messages of the several governors of South Dakota from statehood until January, 1909, and presenting the salient points in the messages of Governors Mellette, Sheldon, Lee, Herreid, Elrod, Crawford, and your own inaugural.

The compilation has been carefully made by Mr. Thomas Askin, assistant librarian, in charge of the Legislative Reference Division of this Department.

In this connection let me thank you for the kind offer to share the expense of the publication of this bulletin from the funds of the executive department, as, although the expense is small it is greater than the expense account of this department can bear in view of other demands upon it, and your offer makes the publication possible and will place the valuable information contained in the bulletin at the convenience of the next and future legislatures.

Respectfully,
DOANE ROBINSON,
Secretary and Superintendent.

Hon. Doane Robinson,
Secretary, Department of History,
Pierre, S. D.

SIR—I have the honor to hand you herewith, in manuscript, a Digest of The Messages of the Governors of South Dakota since statehood. The manuscript contains about one hundred pages of definite recommendations concerning legislation, and is followed by a complete index to the same. This work appears as the first bulletin from the Division of Legislative Reference.

Respectfully,
THOMAS ASKIN,
Legislative Reference Librarian.

EXPLANATIONS

The digest includes all the regular messages. ,No attempt is made to index or digest everything contained in the messages but merely the definite recommendations concerning legislation. General remarks, recitals of facts not joined with recommendations, statements bearing on the conditions and progress of the state, or a part or department of the state, are omitted. When possible, the gist of important recommendations is given in a single sentence or paragraph.

CITATIONS

The citations give governor, day, month, year of message, and paging. The Journal of the House for each session of the legislature is used, but when obtainable, the pamphlet page of the message is also given. The abbreviations read:

6 Jan. 08, p. 1; 11 Sess. H. J. p. 4, which mean,
6th of January, 1909, page 1 of the pamphlet message, or
6th of January, 1909, page 4 House Journal of the 11th session.

DIGEST OF GOVERNORS' MESSAGES

1889-1909

11. Statutes

(Revision and Compilation.)

- a. Mellette—Recommends codification of.
8 Jan. 1890 1st Sess. H. J. P. 52.
- b. Lee—Urges passage of bill for compilation of laws.
7 Jan. 1897, 5th Sess. H. J. p. 41.
- c. Herreid—"On the 7th day of May, 1901, 'by and with the advice and consent of the judges of the Supreme Court,' 1 appointed 'a commission of three competent and worthy persons, learned in the law, to revise and codify the laws of this state' in accordance with chapter 183, laws of 1901. * * * I would recommend that the work of the commissioners be adopted without delay and the passage of acts adopting these codes during the first week of the session in order that all bills that may be introduced amending or changing the laws of the state may refer to the sections, chapters and articles of the Revised Codes of 1903." 6 Jan. 03, p. 36; 8th Sess. H. J. p. 47.
- d. Elrod—Omissions in the Revised Code of Civil Procedure of 1903; complete index for same.
8 Jan. 07, p. 33-34; 10th Sess. H. J. p. 52-53.
- e. Crawford—Omissions in Revised Code of Civil Procedure of 1903'.
8 Jan. 07, p. 10-11; 10th Sess. H. J. p. 73.

12. Amendment

- a. 1. Sheldon—Advises that the laws of 1890, chapter 63, relating to the board of pardons, be amended.
8 Jan. 1895, 4th Sess. H. J. p. 50.
- 2. Sheldon—"There are several laws upon our statute book which need amendment and repeal which are known to many of you gentlemen. Many of them provide for the payment of money. They are no longer operative and ought to be stricken from the statutes."
8 Jan. 1895, 4th Sess. H. J. p. 50.
- 3. Sheldon—"Section 9, chapter 144, session laws 1893, needs amendment by striking out the word "county" in the last line of said section, and substituting therefor the words "State of South Dakota." All mortgages are made in the name of the state as mortgagee and the sale ought to run to the state."
8 Jan. 1895, 4th Sess. H. J. p. 25.
- 4. Sheldon—"The session laws of 1891, chapter 115, section 4 (relating to railroad property condemned for warehouse sites) demands amendment. This provision is not in harmony with the Constitution * * *."
8 Jan. 1895, 4th Sess. H. J. p. 45.

Repeal

5. Sheldon—Urges repeal of Chapters 147 and 148 relating to the sale of school lands on which there is an unexpired lease.

8 Jan. 1895, 4th Ses. H. J. p. 24.

13. Uniform Laws

(See also 464, Negotiable Instruments.)

Elrod—"Recently the Executive Department received a draft of an act to make uniform the laws of sales and a draft of an act to make uniform the law of warehouse receipts, indorsed and recommended by the Commission of Uniform State Laws. They relate to important subjects and are worthy of careful consideration. * * *"

8 Jan. 07, p. 41; 10th Ses. H. J. p. 60.

17. Boundary

Herreid—Appointment of Commission.

3 Jan. 05, p. 32; 9th Ses. H. J. p. 49.

19. Statistics

(See also 938, 1832.)

Lee—Advises that Auditor with help of a clerk do the work.

8 Jan. 1899, 7th Ses. H. J. p. 71.

21. Census

- a. Sheldon—"I have the honor to suggest that provision be made for the taking of the census by assessors at the time of the taking or the assessment of the state, under the direction of the state auditor, who will prepare and furnish to the assessors and to the auditors of the counties, all necessary blanks; that the enumeration be returned to the office of the state auditor, who shall be charged with its compilation and report."

8 Jan. 1895, 4th Ses. H. J. p. 50.

- b. Herreid—Recommends that work be done under the supervision of Department of History.

3 Jan. 05, p. 32; 9th Ses. H. J. p. 49.

- c. Elrod—"The Constitution requires that a census shall be taken in the year 1905, and to the end that it may be done economically, consistent with efficiency, we recommend that the Secretary of the State Historical Society be made ex-officio Superintendent of Census; and that said census be taken by the assessors * * * under the supervision and direction of the said superintendent."

3 Jan. 05, p. 4; 9th Ses. H. J. p. 64.

30. Constitution

- a. Mellette—Recommends suitable penalties for violations of.

8 Jan. 1890, 1st Ses. H. J. p. 52.

- b. Elrod—"The Journals of the Constitutional Conventions of 1885 and 1889 have not been published. Single copies only of these important documents are in existence. It would be a great loss if they should be destroyed. Only by the debates of the conventions which made the constitution can many important portions of it be cor-

rectly interpreted. I advise that the State librarian be authorized to edit and publish these journals, under such regulations for their disposal as will make them available for the use of the bar, the courts and the libraries of the state."

8 Jan. '07, p. 38, 10th Ses. H. J. 'p. 57.

32. Amendments

Mellette—Relating to additional amendments voted upon at same election: " * * * it would seem proper to amend the section (Art. XXIII, Sec. 1) just quoted so as to require the assent of at least two-thirds of the legislature to submit any amendment to the Constitution, or a majority of each of two successive legislatures."

8. Jan. 1890, 1st Ses. H. J. p. 46.

38. Officers—Departments

1. Crawford—"There is a feeling of uncertainty and insecurity among many who are connected with these [educational, charitable and penal] institutions, which grows out of a fear that, regardless of merit and faithful service, their tenure of position is in constant danger from political intrigue and partisan politics; and that merit and faithfulness must yield to favoritism and the political 'pull'. There should be no ground for concern on this account. The time has come when it should be made clear and emphatic that the fixed and permanent policy of the state is to place the management of these institutions entirely above all questions of political expediency and favoritism. A rule of civil service should be applied to the administration of the public institutions of the state * * *"

8. Jan. '07, p. 6-7, 10th Ses. H. J. p. 69.

2. Crawford—"The Board of Charities in its report recommends the enactment of a law fixing terms of office of a considerable number of years in length, if not during good behavior, for the officers and employees of each institution, and regulating their salaries with a view to securing and retaining the services of the most competent persons. * * * I heartily join in this recommendation and urge upon you the enactment of such a law."

5 Jan. '09, p. 30, 11th Ses. H. J. p. 50.

38.4 Bonds—Sureties

Elrod—"It is my judgment that it would be well to require all state, county, township and municipal officers to furnish surety bonds,"

8 Jan. '07, p. 44; 10th Ses. H. J. p. 63.

38.6 Nepotism

Lee—"I recommend * * * that the law be so amended as to prohibit any person of kin to any regent from being employed in any state educational institutions during the term of the regent and for two years thereafter."

6 Jan. 1899, 6th Ses. H. J. p. 97.

Lee—Renews recommendations.

8 Jan. '01, 7th Ses. H. J. p. 44.

38.7 State Officers—Reports

Lee—Recommends that reports be made to the executive on first of October.
6 Jan. '99, 6th Ses. H. J. P. 1.06.

38.7 State Printing

Lee—Recommends that reports of state officers be printed by state.
8 Jan. '01, 7th Ses. H. J. p. 73.

38.8 Fees

1. Lee—"I suggest that the law under which the secretary claims the fees (relating to the brand and mark commission) be so amended that there can never be any excuse offered in the future for the conversion of money which the constitution emphatically recognizes as the property of the state."

8 Jan. 1899; 6th Ses. H. J. p. 86.

2. Lee—"These moneys should be paid into the state treasury and disbursed only on warrants of the state auditor, authorized by an appropriation by the legislature."

8 Jan. 1901, 7th Ses. H. J. p. 63.

40. Governor

a. Sheldon—"I hope this legislature will enact a law which will give the governor such authority over his appointees as will enable him to hold them to strict accountability and that he may have the power to remove them arbitrarily when they have been charged with malfeasance, after they have been afforded an opportunity to prove their innocence."

8 Jan. 1897; 5th Ses. H. J. p. 98.

b. Lee—Recommendations relative to the power of removal from office.

6 Jan. 1899, 6th Ses. H. J. p. 136.

c. Herreid—(Power to remove appointees). "The present chaotic state of our statutes relative to the powers of the Executive in removing his appointees, leads me to earnestly request this legislature to take some action upon this subject."

8 Jan. 1901, 7th Ses. H. J. p. 19.

49. Secretary of State

Herreid—Calls attention to report of Secretary, and to recommendations relative to public and Supreme Court libraries.

6 Jan. '03, p. 13; 8th Ses. H. J. p. 24.

50. Attorney General

a. Herreid—"The salary of the attorney general is not commensurate with the work and responsibility of the office."

6 Jan. '03, p. 13-14; 8th Ses. H. J. p. 24.

Herreid—Remarks on.

3 Jan. '05, p. 25; 9th

b. Elrod—"The question of increasing the Attorney General's salary should again be submitted to the people."

3 Jan. '05, p. 9; 9th

c. Elrod—"You ought by all means to submit to the people the ques-

tion 'of increasing the Attorney General's salary * * * The Attorney General ought to live here at the capital and be in his office regularly and daily to pass upon questions that are constantly arising in the different departments." 8 Jan. '07, p.43;10th Ses. H. J. p. 62

- d. Crawford—"I would re-submit the proposed amendment raising the Attorney General's salary, or provide for calling a constitutional convention to make a new schedule of salaries for all the state officers, and many other needed changes in our organic law."
5 Jan. '09, p. 60; 11th Ses. H. J. p. 80.

55. State Examiner

- a. Mellette "It is believed that while there is and always will be a demand in municipal government for this officer that the expense can be reduced and the needs of the public service protected by fixing his compensation at a per diem for the time employed, and leaving his employment subject to either county or state authority.
8 Jan. 1890, 1st. Ses. H. J. p. 46.
- b. 1. Sheldon—"Your attention is especially invited to this matter in the hope that in your wisdom you will make a law so plain that it cannot be misunderstood, and which will give to the public examiner all necessary authority."
8 Jan. 1895, 4th Ses. H. J. p. 37.
2. Sheldon—"The work which ought to be done by the public examiner is more than one man can perform. This office, in the hands of a competent man, is of great service to the state. I hope you will equip it with whatever shall be necessary to make it answer thoroughly the purpose for which it was created."
8 Jan. '95; 4th Ses. H. J. p. 37.
3. Sheldon—Urges that examiner be given greater powers in authority over banks and public officers.
8 Jan. '97; 5th Ses. H. J. p. 70.
- c. Lee—Referring to certain exposures in state institutions—"They prove that there should be a closer scrutiny by the public examiner and that a new and better standard of official morality is necessary."
8 Jan. 1901; 7th Ses. H. J. p. 53.
- d. Herreid—Public Examiner's Report.
3 Jan. '05, p. 25; 9th Ses. H. J. p. 41.
- e. Vessey—"I recommend an addition to the number of deputies for this department, and a corresponding provision for the cost of maintenance."
5 Jan. '09, p. 6; 11th Ses. H. J. p. 06.

58. Special Commissions

Lee—Suggestions relative to the creation of a commission to investigate state offices.
6 Jan. 1899; 6th Ses. H. J. p. 125.

60. State Institutions

(See also 335 Corrections; 790, 863 Finance; 2140 Charities; 2220 Education.)

61. Appropriations for

- a. Sheldon—"Estimates will be presented for the maintenance of these institutions for the next two years. It is hoped that careful thoughtful attention will be given to these matters * * *"
8 Jan. 1895; 4th Ses. H. J. p. 34.
- b. Lee—"Appropriations for these institutions, as for all others, should by no means be extravagant but they should be liberal."
7 Jan. 1897; 5th Ses. H. J. p. 36.

64. State Departments

(Investigating Committees.)

1. Herreid—Committee of investigation for the charitable and penal institutions * * * "This committee has during the past five years made a thorough investigation of the charitable and penal institutions of the state. In my judgment this is an important committee doing excellent work." 6 Jan. '03, p. 49; 8th Ses. H. J. p.. 61.
2. Herreid—"This law, (authorizing governor to appoint committee) enacted before two of the existing institutions were established, should be amended to include all the charitable and penal institutions of the state. * * * During my term the reports of this 'committee of investigation' have been of great interest and value. I know of no public duty performed with more unflinching devotion."
3 Jan. '05, p. 26; 9th Ses. H. J. p. 43.

67. Public Documents.—Printing

- a. Herreid—"The laws relating to the preparation, printing and distribution of the reports of the state officers and boards are inharmonious, indefinite, irrational and inoperative, and should receive the attention of a competent committee. * * * As the fiscal year ends June 30, the report in manuscript should be completed and a copy delivered to the public printer not later than Sept. 1; that on or before the first day of December a printed copy of each report should be officially signed and placed on file in the office of the officer or board making such report and also in the office of the governor and secretary of state; that all the printed copies of each report, except a dozen copies for the use of the officer or board making the report, should be duly delivered to the secretary of state (who is the commissioner of printing) not later than the first day of December, and whose duty it should be to immediately distribute such reports in manner to be provided by law, including sending one copy of each report to every member elect of the Legislature at least 30 days before the first day of the session of the Legislature."
6 Jan. '03, p. 34; 8th Ses. H. J. p. 45.
- b. Crawford—" * * * For what it pays out for printing and binding in one year, the state could install a good printing and binding outfit of its own. By owning its own plant and by placing this work under the charge of a state printer and binder, the state could save

thousands of dollars in the future and secure a better grade of work than it is now getting. Your attention is called to this matter as a subject for effective legislation.”

8 Jan. '07, p. 11; 10th Ses. H. J. p. 74.

80. Legislature.—Apportionment

- a. Mellette—“While a large representation is specially desirable for legislative purposes, it is suggested that the present representation might be materially reduced in the interest of economy. It is also recommended that in the new apportionment the number of senators should be at least one-half that of the House of Representatives. While the necessity for two legislative houses is apparent it is not desirable that either should be so small as to fail to be properly a representative body of the people.”

8 Jan. 1890; 1st Ses. H. J. p. 46.

- b. Herreid—“A new apportionment of the number of Senators and Representatives for the Legislative Assembly is one of the duties devolving upon this Legislature, not only by the terms of the Constitution, but by a sense of fairness and justness. The partisan inequality of the existing law is most flagrant.”

8 Jan. 1901; 7th Ses. H. J. p. 26.

84. Senators. U. S.

Herreid—Remarks on election of.

8 Jan. 1901, 7th Ses. H. J. p. 29.

90. Number of Members

Mellette—Recommends that the number of members be reduced.

7 Jan. 1891; 2d Ses. H. J. p. 40.

96. Corrupt Practices

Mellette—Advises that the tampering with or removal of enrolled bills be made a felony.

7 Jan. 1891; 2d Ses. H. J. p. 40.

99. Lobbying

Crawford—“The Legislature of the state of Wisconsin enacted an excellent law two years ago defining the rights and limitations of persons desiring to be heard upon measures pending before the Legislature of that state and prescribing penalties for the violations thereof. Governor Folk of Missouri has recently recommended identically the same measure to the Legislature of that state, and I am pleased to recommend the same measure to you. This act makes it unlawful for any person employed for a pecuniary consideration to attempt personally and directly to influence any member of the Legislature to vote for or against any measure pending therein otherwise than by appearing before the regular committees thereof when in session, or by newspaper publications, or by public addresses, or by written or printed statements, arguments, or briefs, delivered to each member of the Legislature provided, that before

delivering such statement, argument or brief, 25 copies thereof shall be first deposited with the Secretary of State. All persons appearing for private or special interests, or for public service corporations, must first register, giving their names and addresses and the name of their employer. No officer, agent, appointee, or employee in the service of the state is permitted to use his influence with a member of the Legislature to vote for or against any measure pending therein affecting his pecuniary interest except in the same open and public manner. Persons appearing for special interests for a pecuniary consideration whether ex-members of the Legislature or not, are not allowed to go upon the floor of either House reserved for the members thereof, except upon the invitation of such house. The violation of the act is made a misdemeanor punishable by imprisonment in the county jail not exceeding six months, and by a fine not exceeding two hundred dollars. * * *

8 Jan. '07, p. 18-20; 10th Ses. ,H. J. p. 81.

100. Officers and Employee

Vessey—"It has, in the past, been the misfortune of the legislature to have too much incompetent help. I urge you, so far as you are able, to raise the standard of efficiency for those whom you employ. To this end, I suggest the employment, by each branch of the legislature, of four expert stenographers whose duties it shall be to do the general stenographic work of the legislature, to serve as many committees as possible, and who shall, at stated times, be open for the service of any individual member."

5 Jan. '09, p. 11; 11th Ses. H. J. p. 101.

102. Documents

Sheldon—Speaking of certain original documents which should be the property of the state (after the division of the territory), and stating that in order to obtain the papers it will be necessary to request the legislative body of North Dakota to enact a law which will allow the secretary of state to forward the same to South Dakota.

8 Jan. 1897; 5th Ses. H. J. p. 62.

115. Initiative and Referendum

Lee—"It is with pride that I direct your attention to the initiative and referendum which * * * now demands detailed provision at your hands for carrying it into effect."

6 Jan. 1899; 6th Ses. H. J. p. 131

149. Elections—Corrupt Practices

- a. Mellette—(Relating to charges of improper practices on the part of state officials) "It is recommended that the most rigid investigation be made in this direction, to the end that the fair fame of the young state may be preserved unsullied, either by vindication or punishment, as the facts may demand."

7 Jan. 1891; 2d Ses. H. J. p. 39.

- b. 1. Lee—Penalty for betting on results of elections.

7 Jan. 1897; 5th Ses. H. J. p. 40.

2. Lee—“Severer penalties than now prescribed should be attached to vote selling and vote buying, and in addition thereto the man who sells or ‘buys’ should be disfranchised forever, for frauds of that character are more dangerous a thousand times than open treason.”

7 Jan. 1897; 5th Ses. H. J. p. 39.

3. Lee—“I would suggest * * * that all political committees and all candidates for political office should be required, under heavy penalties for violation of the law, to file a verified account of all moneys expended by them in the campaign preceding the election, stating each item separately, and to whom and for what purpose every dollar was paid.”

7 Jan. 1897; 5th Ses. H. J. p. 39.

150. Corrupt Practices Acts

Crawford—“* * * I most earnestly recommend that such a law [prohibiting corporations from making contributions for political purposes] be carefully drawn, considered and passed by this legislative session. * * * The Legislature of Pennsylvania * * * by law limits the use of money in political campaigns by candidates and committee to the following: Printing, traveling expenses, and personal expenses incident thereto, stationery, postage, expressive, freight, telegraph and telephone messages, expenses for public political meetings, demonstrations and conventions; transportation of speakers, rent, maintenance and furnishing headquarters and halls, payment of clerks, stenographers and messengers actually employed, for men at the polls to check off voters to and from the polls. Paying out money for any other purpose in connection with campaigns and elections is made a crime. All funds used for the purposes named must first go into the hands of a treasurer who must keep a complete record thereof, which must be kept open for inspection and within a given period after the election, a specified, full, true and detailed account of all receipts and disbursements must be made by him under oath and filed with one of the public officers of the county or state. A similar law has been enacted in New York and in a number of other states that the dominant political party in this state has demanded the enactment of such a law here. The necessity for it has been emphasized by conditions which exist in the state, all demands by the legitimate successor of a preceding organization for an accounting for campaign funds being contemptuously disregarded.”

8 Jan. '07, p. 26-28; 10th Ses. H. J. P. 89.

160.3 Direct Nominations

- a. 1. Elrod—“We think there is no pressing need for the enactment of a primary election law providing for direct nominations * * * In theory such a law is plausible but in results it is not yet a success in any state where tried. * * * If such a law is enacted, at least 90

per cent of all our offices will be filled by men who live in towns and cities, and it would be only a question of time until the rural districts would be unrepresented. * * * Such a law is expensive both to the taxpayers and to candidates. * * * With a primary election law the office in no sense seeks the man, but the man seeks it, in many instances buys it. The poor man, the man of small means has no show against the man of means. * * * A good caucus law is all that is needed * * *

3 Jan. '05, p. 7-8; 9th Ses. H. J. p. 67.

2. Elrod—" * * * The majority of our people, so far as expressed, want a primary election law and I advise that you enact such law with an emergency clause attached. * * *

8 Jan. '07, p. 6-7; 10th Ses. H. J. p. 25.

- b. 1. Crawford—Outlines and recommends passage of direct nomination act.

8 Jan. '07, p. 20-26; 10th Ses. H. J. p. 81.

2. Crawford—"As each of the clauses quoted (Sees. 8, 10, 65, 66, S. L. 1907) can be dropped from the statute without invalidating the remainder, and the Court, having so held, I recommend that the sections above referred to be amended by eliminating them. Every fourth year it will be necessary to choose delegates to attend the national party conventions of the respective political parties, some of which are usually held in June, to early to allow the delegates to be chosen at the regular June primaries. As the law now stands, section 67 provides for holding county primaries on the second Tuesday in March every fourth year to elect precinct delegates to a county convention to be held on the fourth Tuesday in March to choose delegates to a state convention to be held on the first Tuesday in April, 1908, and quadriennially thereafter, to elect delegates to national conventions. This procedure can be greatly simplified by doing away with the county and state convention and the selection of precinct and county delegates for this purpose every four years, and substituting therefor a simple provision for filing nominating petitions for candidates for delegates to the national convention in the office of the Secretary of State, and authorizing a direct vote for national delegates at a state primary held on the first Tuesday in April each fourth year, providing, that when the national conventions of all parties having organizations in this state, are called not earlier than the third week in June, the delegates to such national conventions shall be chosen at the regular June primaries."

5 Jan. '09, p. 62; 11th Ses. H. J. p. 82.

- c. Vessey—"It (the law of 1907) should be revised with a view of eliminating, as far as possible, whatever of unnecessary expense is connected with it. It should be made possible for one convention of each party to do all the party work of any one campaign, and whatever method seems to you best should be adopted to secure a definite ;and systematic arrangement of names upon the primary ballot, but the principle for which the law was enacted should not

be sacrificed in the interests of the individual, and to prevent the participation of voters in the primary election of a party with which they are not allied.
5 Jan. 09, p. 7; 11th Ses. H. J. p. 97.

175. Ballots

- a. 1. Mellette—"The legislature should throw around the elective franchise in all its forms, beginning at the primaries, every possible safeguard. * * * The serious consideration of the legislature is called to the propriety of adopting the most approved modern method for securing the rights of citizenship to the secret ballot."
8 Jan. 1890; 1st Ses. H. J. p. 51.
2. Mellette—"It is recommended that earnest legislation be had for a reform of the present ballot system."
7 Jan. 1891; 2d Ses. H. J. p. 38
- b. Sheldon—Suggests simplification of ballot.
3 Jan. 1893; 3d Ses. H. J. v. 36.
- c. Lee—"In this connection I also suggest that our present election law be so modified as to require the voter to designate singly, the name of every person for whom he wishes to vote * * *."
7 Jan. 1897; 5th Ses. H. J. p. 39.
- d. 1. Herreid—Suggestions relating to a free ballot and a fair count.
8 Jan. 1901; 7th Ses. H. J. p. 11.
2. Herreid—Name of candidate should appear but once.
8 Jan. 1901; 7th 'Ses. H. J. p. 16.

181. Constitutional Amendments

(Ballots.)

- a. Sheldon—Referring to certain recommendations made by the Secretary of State relating to election blanks.
8 Jan. 1895; 4th Ses. H. J. p. 21.
- b. Crawford—"For one, I do not believe the alphabetical arrangement of names upon the primary ballot gives any material advantage in favor of the first name."
5 Jan. '09, p. 63; 11th Ses. H. J. p. 63.

183. Marking Assistance

Herreid—"* * * The county should provide a rubber stamp for marking the ballots in order to still further eliminate the possibility of coercion or collusion by marking ballots for subsequent identification. It needs no argument to show that by the use of variously colored pencils, and slight variations in making the cross, a ballot may be identified * * *."
3 Jan '05, p. 40; 9th Ses. H. J. p. 58

187. Registration

- a. Lee—"The demand for a registration law applicable to every precinct' in the state seems to be quite general among the people."
7 Jan. 1897; 5th Ses. H. J. p. 38.
- b. Herreid—"Amend the registration law, requiring an annual registration, to correspond with the biennial system of elections."
6 Jan. '03, p. 50 8th Ses. H. J. p. 61.

188. Polling Places

Lee—Additional protection to. 7 Jan. 1897; H. J. p. 39.

192. Judges

Lee—"That it be made compulsory for boards of county commissioners to appoint one election judge from each of the three political parties having the largest vote at the election of 1894."

7 Jan. 1897; 5th Ses. H. J. p. 39.

194. Returns

Lee—"I would suggest * * * that the committees of each party shall have the right to select their representative on the returning board without petition."

7 Jan. 1897; 5th Ses. H. J. p. 39.

204. Extradition

Mellette—"It is recommended that the agent's fees in this behalf for services be fixed at a per diem and that they be borne by the county in which the crime was committed."

7 Jan. 1891; 2d Ses. H. J. p. 37.

226. Fines

Lee—Recommends legislation to enforce constitutional provisions relating to. 8 Jan. 1901; 7th Ses. H. J. p. 64.

CRIMINAL PROCEDURE**22.8. Sentence**

(See also 353, Commitment; 363, System of sentencing and reform.)

Mellette—"From observation of its practical operation the executive is strengthened in a former conviction that the fixing of the punishment of criminals within the discretionary limits allowed by the statute should be left to the jury rather than the court. The freeman's right to a trial by his peers is believed to owe its value as much to this principle as to the determination of the question of his guilt. * * * It would seem the peculiar and fitting province of the jury to fix the term of punishment upon the sliding scale which must ever modify judicial sentences. It is believed such verdict is more readily acquiesced in by the criminal, that punishment is thus rendered more uniform and more in accord with that popular living sentiment whose sanction is necessary to the support of the criminal statutes."

8 Jan. 1890; 1st Ses. H. J. p. 31.

CRIMES AGAINST PUBLIC MORALS AND THE FAMILY**263. Burglars' Tools**

- a. Crawford—"Our penal statute should be so amended as to make the finding in one's possession of a set of burglar's tools with no apparently lawful purpose, as much a felony as the act of committing a burglary and make the act punishable by the same penalty."

5. Jan. '09, p. 32; 11th Ses. H. J. p. 52.

- b. Vessey—"I recommend that you make the penalties for bank-robberies more severe and also make it a crime for any person to be found with nitro-glycerine or burglars' tools in his possession, unless he can clearly and positively show his intention to use them for legitimate purposes.

5 Jan. '09, p. 6; 11th Ses. H. J. p. 96.

287. Procuring

Vessey—"Our scattered population and the absence of large cities has heretofore left us free from a crime which has now begun to make its appearance. I allude to the crime of procuring young girls for immoral purposes. For this crime against the foundation of society, I recommend that you provide the most drastic penalties. The penalty should not be less than twenty-five years in the penitentiary, with corresponding penalties for all accessories. In this connection, I would recommend that the penalties for keeping houses of prostitution should be greatly increased, and when girls under the iver of legal consent are found in such places, that the minimum sentence for this crime be ten years in the penitentiary."

5 Jan. '09, p. 11; 11th Ses. H. J. p. 1'01.

300. Criminal Law

Sheldon—"I hope this legislature will not adjourn until it has enacted a law so plain that its provisions may not be misunderstood, and that the punishment provided will be in every instance commensurate with the crime."

8 Jan. '97; 5th Ses. H. J. p. 97.

335. Corrections

(See also 60, 'state institutions; 2140, charities.)

Crawford—Quotes recommendations of Board of Charities and Corrections; states that he cannot place too much emphasis on same. "The principle of indeterminate sentence should be embodied in the penal laws of our state. All the leading states of the Union have adopted this form of sentence,—leaving the term for which a convict shall be kept in prison dependent upon his conduct, within the limits of the minimum and maximum term for which he may be sentenced for the offense committed. Wherever this plan of dealing with criminals has been tried, it has given satisfaction. It is no longer a matter of experiment and should be everywhere adopted."

5 Jan. '09, p. 33; 11th Ses. H. J. p. 53.

341. State Prison

- a. Mellette—Purchase of knitting machines.
7 Jan. 1891; 2d, Ses. H. J. p. 18.
- b. Lee—Remarks relative to health of prisoners and commutation of sentences; also speaks of improvement of sewerage system.
8 Jan. 1901; 7th Ses. H. J. p. 54.

342. Chaplain

- a. Herreid—Recommends. 8 Jan. 1901; 7th Ses. H. J. p. 30.
- b. Elrod—Recommends employment of. 3 Jan. '05, p. 6; 9th Ses. H. J. p. 65.

343. Reform Schools and Reformatories

- a. 1. Mellette—"The reform school at Plankinton is in its second year of operation. It is believed that in some instances its inmates have been committed rather as to an orphan or foundling asylum than to a penal reformatory. It may be a proper subject of inquiry whether the management has not erred * * * and whether a material reduction of expenses may not be made without serious detriment to its original design * * * It is recommended that the building be remodeled so as to furnish shop room and necessary accommodations for the inmates." 8 Jan. 1890; 1st Ses. H. J. p. 31.
- 2. Mellette—Reduction of cost of management. 7 Jan. 1891; 2d Ses. H. J. p. 19.
- b. 1. Lee—Recommendation relative to the disposition of children when training is completed. 6 Jan. 1899; 6th Ses. H. J. p. 105
- 2. Lee—Criticisms of. Recommendation that it be relocated and that instructions in certain trades be given. 8 Jan. 1901; 7th Ses. H. J. p. 52.
- c. Crawford—Quotes recommendations of Board of Charities and Corrections; stating that he cannot place too much emphasis on same. "Young men convicted for the first time should not be sentenced to the penitentiary for three, four, or six months. It is almost a crime to make them carry such a stigma through life. A reformatory should be established to which such offenders could be sentenced. It could be made a department of the penitentiary for many years to come, and in that way, would entail no additional cost upon the state, and would add but little to the duties of the officers and employees of the penitentiary." 5 Jan. '09, p. 32; 11th Ses. H. J. p. 52.

353. Commitment—Transportation—Transfer

Mellette—"It is earnestly recommended that the present law be modified with reference to the transportation of prisoners and inmates to these institutions. It is believed that if an officer of such institution under regular salary, male or female as required, should be sent to bring the inmates, at least one-half of the present enormous expenditure in this behalf would be curtailed."

8 Jan. 1890; 1st Ses. H. J. ;p. 32.

354. Convict Labor

- a. Mellette—"It is thought the labor of the prisoners at Sioux Falls can be made more remunerative to the state and that decisive steps should at one be taken having in view this object. The quarries at the prison doors are believed to afford means for bringing about this result." 8 Jan. 1890; 1st Ses. H. J. p. 31.

- b. Herreid—"The enforced idleness of prisoners is both cruel and demoralizing. * * * I earnestly recommend such legislation as will in the near future, provide profitable employment for the prisoners of the State Penitentiary."

3 Jan. '05, p. 40-41; 9th Ses. H. J. p. 58.

- c. Crawford—"I quote this (a letter) for what it is worth, coming as it does, from an intelligent discharged prisoner. It suggests the idea that men who have enabled the state by their labor to receive net profits amounting to \$43,650, ought to have enough of it allowed to their wives and little children to keep them from the poor house."

5 Jan. '09, p. 31; 11th Ses. H. J. p. 51.

360. Twine Plant

- a. Herreid—Recommends same for convict labor.

6 Jan. 1903; 8th Ses. H. J. p. 29.

- b. Elrod—"At the earliest date possible, a twine plant should be established at the penitentiary, for three reasons. First, it would give useful employment to the prisoners; second, it would reduce the cost of twine to our farmers; and third, with careful management it will put money into the state treasury instead of taking it out. * * *"

3 Jan. '05, p. 5; 9th Ses. H. J. p. 66.

367. Discharge of Prisoners

Sheldon—"The recommendation of the warden that a prisoner to whom a good time has been given, discharged at the expiration of his sentence, be restored to citizenship by the operation of law, is worthy of your careful consideration."

8 Jan, 1895; 4th Ses. H. J. p. 32.

370. Sentencing and Reform

- a. Elrod—"We recommend that you provide for the indeterminate sentence of convicts. * * *"

3 Jan. '05, p. 5; 9th Ses. H. J. p. 65.

- b. Vessey—"I recommend that you give careful attention to the subject of the indeterminate sentence, and the use of parole in dealing with our convicted criminals, for the purpose of adapting their use fully to our lays and the present condition of the state penal institutions."

5 Jan. '09, p. 4; 11th Ses. H. J. p. 94.

372. Parole

Crawford—Quotes from the recommendations of Board of Charities and Corrections. 1. "A law should be enacted providing for at least one state agent to act as a parole officer for the penitentiary and training school, and to conduct for at least a part of the year, a night school at the penitentiary. Several of the younger convicts are now trying in the loneliness of their cells to master text books used only in the higher institutions of learning. As things are now we can furnish the text books but can extend them no other aid. This state can afford to maintain at least one officer whose duty it shall be 'to help the erring find the ladder of opportunity to a higher life.'"

5 Jan. '09, p. 32; 11th Ses. H. J. p. 52.

373. Pardons

- a. Mellette—List of persons pardoned. 7 Jan. 1891; 2d Ses. H. J. p. 37.
- b. Sheldon— 8 Jan. 1895; 4th Ses. H. J. p. 47.
8 Jan. 1897; 5th Ses. H. J. p. 83.
- c. Lee— 6 Jan. 1899; 6th Ses. H. J. p. 136,
8 Jan. 1901; 7th Ses. H. J. p. 76.
- d. Herreid— 8 Jan. 1901; 7th Ses. H. J. p. 26.
6 Jan. '03, p. 54; 8th. Ses. H. J. p. 64-66.
- e. Elrod—"In this connection we want it understood by the people of this state, that we will not, in the language of my worthy predecessor, 'usurp the functions of courts and juries'; that the pardoning power will be exercised strictly according to the theory of our system of jurisprudence and the spirit of our constitution."
3 Jan. '05, p. 6; 9th Ses. H. J. p. 66.
- f. Crawford— 5 Jan. '09, p. 65; 11th Ses. H. J. p. 85.

LIENS AND MORTGAGES**405. Tax Liens**

- a. 1. Mellette—It is earnestly recommended that the laws for the enforcement of tax liens be revised so as to secure the collection of the public revenue with dispatch and certainty, and without unnecessary cost to the delinquent * * * the present exorbitant penalties for delinquencies in no wise hasten the collection of taxes and render it doubly impossible for the debtor to redeem his property, who was prevented by poverty from payment of the original amount."
8 Jan. 1809; 1st, Ses. H. J. p. 43.
- 2. Mellette—"It is recommended that wages be made a first lien on property where best-owed."
8 Jan. 1890; 1st Ses. H. J. p. 43.

461. Interest-Legal Rate

- a. Mellette—The people—"need assistance to credit and a low rate of interest and absolute security against destitution to their families in case of misfortune."
8 Jan. 1890; 1st Ses. H. J. p. 38.
7 Jan. 1891; 2nd Ses. H. J. p. 26.
- b. 1. Elrod—"The time has come when the rate of interest by contract should be lowered from 12 per cent. It is a shame that any citizen can be required to pay such a rate. It is not fair to the borrower, neither is it consistent with sound banking principles."
3 Jan. '05, p. 4; 9th Ses. H. J. p. 64.
- 2. Elrod—"Interest rates should be lowered. It is bad advertisement and our laws ought not to permit a contract to be made making it lawful to charge 12 per cent interest. Bankers ought to lead in reducing the rate of interest."
8 Jan. '07, p. 41; 10th Ses. H. J. p. 60.

464. Negotiable Instruments

- a. Crawford—"The law merchant should be uniform throughout the length and breadth of the United States, because commerce knows no state lines. Thirtysix states have adopted a uniform negotiable instrument law,-a statute repeatedly endorsed by the American Bar Association, the bar associations of most of the states, and generally approved by the Courts. Conflict and uncertainty in the decisions and rules pertaining to negotiable instruments are injurious to both borrower and lender. A bill for an act bringing our law into uniformity with the law of the majority of the states will, I am told, be submitted to you."

5 Jan. '09, p. 58; 11th Ses. H. J. p. 78.

- b. Vessey—" * * * I earnestly recommend that you pass the uniform negotiable instrument law which has found favor in so many of our sister states. Also the exemptions allowed in this state should be reduced. At the present time they are unreasonably high, and their very size reduces the safety of otherwise sound loans."

5 Jan. '09, p. 6; 11th Ses. H. J. p. 96.

480. Divorce

Elrod—" * * * All will admit that divorces are too easily obtained in South Dakota and the fact is before you."

8 Jan. '07, p. 42; 10th Ses. H. J. p. 61.

500. Corporations

(See also 841, Corporation Taxes; 1200, Transportation; 1679, Banking; 1732, Insurance.)

- a. Mellette—Suggests the control of corporations through a commission to consist of 1st: Commissioner of common carriers, warehouses and telegraphs. 2d: Commissioner of Insurance, banks and loans. 3: Commissioner of Labor, embracing mining, agriculture, and manufacturing. Each officer to have charge of his particular department, and three to sit as an appellate tribunal. Particular powers given to the board are: Assessment of corporate property, to establish tariffs and rates, safety of employees, to prevent stock jobbing, prevent combinations and trusts, etc.

8 Jan. 1890; 1st Ses. H. J. p. 41-2.

7 Jan. 1891; 2d Ses. H. J. p. 25.

- b. Lee—"The corporation laws of the state need amending. They are entirely to lenient."

8 Jan. 1901; 7th Ses. H. J. p. 62.

- c. Herreid—"No mistake was made by the last Legislature in enacting laws in accordance with the recommendations of the Secretary of State regulating the organization, formation and privileges of corporations. * * * Prior to the enactment of these laws it was notoriously true that many 'wildcat' companies were organized and came to South Dakota to gain a legal existence because of the 'cheap rate.' Under the new schedule of corporation fees less than

one-half the number of companies were organized and still the fees were in excess of the year before. * * *

3 Jan. '05, p. 24; 9th Ses. H. J. p. 40.

- d. Crawford—"It is not the good faith Land honest corporation organized under this statute (Chap. 104, S. L. 1907) that is complained of, but bitter complaint is made of the fraudulent companies that take advantage of it. A change should be made in the statute which will insure greater security for the public and more conclusive evidence of responsibility and good faith on the part of incorporators not residing within the state than is now given."

5 Jan. '09, p. 57; 11th Ses. H. J. p. 77.

507. Supervision, etc.

Lee—"Again, corporations should be chartered only on condition that their capitalization shall not exceed the actual money invested, this to be determined by the secretary of state upon a proper showing of the officers of the corporation under oath. Any corporation desiring to increase its capital should be compelled to show, precedent to such increase, that the new capital is to be used in bettering the property of the company or increasing its equipment. In my judgment the legislature must place its foot upon the stock watering industry, which is certain to mar the future industrial development of our state. * * * All corporations of whatever character should be at all times subject to the surveillance of the public examiner."

6 Jan. 1899; 6th Ses. H. J. p. 130.

509. Capital Stock

Lee—"The statutes should require the capital stock of companies to be paid in full before they are permitted to do business."

6 Jan. 1899; 6th Ses. H. J. p. 130.

589. Trusts, Monopolies, Combinations

(See also 1272, .Railways.)

Vessey—"At this time I urge upon you the enactment of a law prohibiting, under severe penalties, the sale of a commodity by a corporation in one part of the state cheaper than in another part, cost of transportation being taken into consideration. Further, industrial corporations should be prohibited from owning stock in other corporations, and we should authorize the filing of quo warranto proceedings to dissolve any corporation, the majority of whose stock is thus acquired by a holding company."

5 Jan. '09, p. 9; 11th Ses. H. J. p. 99.

ADMINISTRATION OF JUSTICE

595. Practice of Law

(Compensation. Fees. Liens.)

Elrod—"* * * Paragraph 414 of chapter 15 of the Code of Civil Procedure should be amended so as to allow the attorney foreclosing a mortgage a reasonable fee for his services."

8 Jan. '07, p. 42; 10th Ses. H. J. p. 42.

605. Supreme Court

- a. Crawford—"A large number of cases have been submitted and taken under advisement, which the Judges have been unable to reach for final determination. Some of these cases have been pending and undetermined in the Supreme Court for several years. There is a well founded and apparently a reasonable demand that the Court should be relieved of the excessive burden imposed upon it by an increase in the number of its members to five Judges. I suggest that you give this matter thorough and careful investigation and consideration." 5 Jan. '09, p. 54; 11th Ses. H. J. p. 74.
- b. Vessey—Recommends number of judges be increased to five. 5 Jan. '09, p. 9; 11th Ses. H. J. p. 99.

606. Clerk

- a. Lee—Advises salary instead of fees for compensation. 8 Jan. 1901; 7th Ses. H. J. p. 64.
- b. Crawford—"* * * I earnestly recommend that this office [clerk of the Supreme Court] be put upon a salary basis; that a fee bill be enacted and that the officer be required to give an official bond and to strictly account for all fees collected and to pay the excess over and above his salary into the state treasury. * * *" 8 Jan. '07, p. 11-13; 10th Ses. H. J. p. 74.

668. Judges

- a. Sheldon—Calls attention to the provision of the Constitution relating to election of Supreme, and Circuit Judges. 3 Jan. 1893; 3d Ses. H. J. p. 36.
- b. Lee—"I hope that the legislature will submit an amendment to the Constitution making judicial officers elective at general elections and providing for the election of one judge of the Supreme Court every two years." 8 Jan. 1901; 7th Ses. H. J. p. 69.

669. Notaries Public

Sheldon—Asks that provision be made in law for the appointment of notaries in unorganized counties.

8 Jan. 1895; 4th Ses. H. J. p. 50.

ADMINISTRATIVE LAW. OFFICERS**756. Appointment**

Herreid—"Two years ago, in obedience to the will of the people, nearly all official positions and some of the institutions required appointments in harmony with the new administration, and subsequent developments in three of the institutions revealed conditions which not only justified but imperatively demanded a change. Never before had the executive of the state been confronted with so many vacancies. Impressed with the belief that the affairs of the state should be managed according to the rules of business recognised by managers of great and successful industrial corporations, my first efforts to apply these convictions came in the selection of men

to fill the various positions in the service of the state. I soon found that my ideals of good government were not easily put into practice. Whenever I believed that the public service could be made better, I have ignored applications for appointments and even recommendations of my best friends in order to carry out my convictions of duty. Generally speaking, the offices have been seeking the men. Sometimes it required a personal appeal to their sense of duty as good citizens to assume official burdens which to them meant neither honor nor reward. ***"

6 Jan. '03, p. 3-4; 8th Ses. H. J. p. 14.

765. Salaries. Fees.

Herreid—"* * * The people of this state expect and demand the highest order of business ability in the management of their public institutions. For these services I believe they are now ready and willing to pay a fair compensation. Gratuitous services are no longer expected, and, I am convinced, are not desirable or profitable ***."

6 Jan. '03, p. 37; 8th Ses. H. J. p. 49.

767. Tenure of Office

Herreid—"* * * The act of the Legislature of 1901 giving the governor power to unceremoniously remove officials is a most important step toward good government. In the performance, of his duties the executive is constantly hampered by a mass of restrictions and limitations of power that should be swept away. A distribution of responsibility is demoralizing and not productive of the best results to the people. With greater freedom of action, more power, would come greater personal accountability. An enlightened and active public sentiment under such conditions would be productive of the highest degree of efficiency in every department of the public service. ***"

6 Jan. '03, p. 4; 8th Ses. H. J. P. 14.

770. Finance

- a. Mellette—Recommends "a systematic, comprehensive, and efficient code of revenue laws." 7 Jan. 1891; 2d Sea. H. J. P. 9.
- b. Lee—Recommendations relating to the registering of general fund warrants. Advises that method be devised to allow safe transfer of funds and avert the further registration of general fund warrants.

8 Jan. 1901; 7th Ses. H. J. p. 34.

PUBLIC LANDS

774. Commissioner of School and Public Lands

- a. 1. Sheldon—"The great and growing importance of the office of the Commissioner of School and Public Lands demands the enactment of very plain laws for its government, that the commissioner may never be in doubt, nor be thrown upon his own judgment because of the absence of law."

8 Jan. 1895; 4th Ses. H. J. p.23.

2. Sheldon—Something ought to be done with this (Ft. Sisse-

ton) property. Most of the, buildings had better be sold. I hope you will make some provision for its disposition and save my successor the necessity of having to care for the property which he knows is rapidly going to waste and still be powerless to prevent it.”

8 Jan. 1897; 5th Ses. H. J. p. 83.

- b. Herreid—“The difficulties encountered relating to the investment of the school funds have developed two distinct lines of thought or policies to be pursued by the state with the unsold school and endowment lands, numbering 2,570,923 acres. On the one hand it is maintained that these lands should be sold within a reasonable time, not only for the interest to be derived from the investment of the proceeds, but for the occupation of these lands and development of the localities where these lands are found. Counties with large tracts of untaxed state lands object to a policy which retards their development and throws an undue share of the burden of taxation for public improvements on the owners of the improved lands. Objection is also made to an elaborate state system of tenantry. The argument in favor of leasing these lands is briefly and best stated, by President Beadle: ‘It would cost far less to administer the lands and funds on the rented plan. There would never be any risk to the principal; it would remain in the lands, safe. . . The collection of these sums would be more easy, less expensive and safer than the loan of the money, and an easier and safer proposition. We have this alternative: to sell the lands and accept a steadily declining rate of interest on a fund that can not increase, or to lease the lands and receive an increasing income from a permanently increasing capital. Interest declines; real property advances. Let us keep the best security and income.’”

6 Jan. '03, p. 12; 8th Ses. H. J. p. 23.

- c. Crawford—“He (the Commissioner of School and Public Lands) also calls attention to the fact that the lands of the state in Lawrence, Pennington and Custer counties are exposed to loss through contests by mineral claimants and that state lands within the Black Hills Forest Reserve are exposed to loss through the claims of squatters to homesteads. The utmost vigilance must be used to protect the state against wrongful claims of this character and ample means provided to enable the Attorney General to take whatever action is necessary in the premises.”

8 Jan. '07, p. 9; 10th Ses. H. J. p. 10.

776. Sale, Settlement, etc.

- a. Sheldon—Calls attention to the report of the Attorney General, which contains recommendations relative to land taken from W. W. Taylor by the state, and disposition of the same.

8 Jan. 1897; 5th Ses. H. J. p. 66.

- b. Lee—Speaking of land in possession of state received from the Taylor estate. “This property should be re-appraised and that

which is valueless eliminated from the lists. That which is worth saving should be redeemed." 6 Jan. 1899; 6th Ses. H. J. p. 71.

778. Timber

- a. Elrod—"I recommend that the Commissioner of School and Public Lands be authorized to sell all matured and insect eaten timber belonging to the state under such rules, regulations and safeguards as may be deemed for the best interest of the state * * * The best authorities say that the only way to prevent the spread of beetles in the timber is to cut down all trees so infested, for if cut at the proper time, it will prevent their transferring themselves to trees that have not been attacked. The Commissioner of School and Public Lands should investigate this matter and under his advice and direction a bill should be prepared with special care and promptly passed." 8 Jan. '07, p. 33; 10th Ses. H. J. p. 52.

- b. Crawford—" * * The Commissioner (of Public Lands) recommends that a law be passed at this session authorizing that officer to sell all matured timber belonging to the state within this reserve under such safeguards as may be deemed best. I request that you give this recommendation careful consideration." 8 Jan. '07, p. 10; 10th Ses. H. J. p. 10.

BUILDINGS, PROPERTY AND SUPPLIES

780. Buildings and Grounds

Herreid—Protection from fire.

3 Jan. '05, p. 32-33; 9th Ses. H. J. p. 49.

781. Capitol

- a. Elrod—Completion of capitol.

8 Jan. '07, p. 24; 10th Ses. H. J. p. 43.

- b. 1. Crawford—Completion of capitol.

8 Jan. '07, p. 37-40; 10th Ses. H. J. p. 100.

2. Crawford—"I believe that a permanent plan of the grounds, with drives, parks, fountains, walks, lawns, trees, and locations for buildings to be erected in the future [for all state institutions] as the institution grows, should be carefully made in advance and every new improvement should be so placed as to harmonize with such plan. * * *"

8 Jan. '07, p. 8; 10th Ses. H. J. p. 71.

3. Crawford—"The erection of the new capitol building is a work in which the state is now actually engaged. The unsold lands afford ample security for every dollar required to be advanced by the state and it is the plain duty of this legislature to provide for the conclusion of this unfinished work before beginning new buildings at other places. We cannot get away from this now that we have carried it so far and so well. The state must finish the work creditably, so that we will have a just pride in this splendid building as one in keeping with the dignity of our great and growing young commonwealth."

5 Jan. '09, p. 10; 11th Ses. H. J. p. 32.

3. Crawford—"Let it be understood that the Capitol Commission

has not committed itself to any plan as yet. The landscaping should not be so elaborate and expensive as to be out of proportion to the character of the building and regard must be had for expense. I do not believe that more than \$25,000 or \$30,000 should be expended for this purpose. I recommend the exercise of the greatest care and the closest scrutiny in matters proposed involving lavish expenditure upon the grounds out of keeping with the modest character of the building erected, and out of keeping with the state's finances and its duties toward the other institutions intrusted to its care."

5 Jan. '09, p. 15; 11th Ses. H. J. p. 35.

782. Executive Mansion

Crawford—"As soon as the burden of the building of the new capitol is out of the way, an executive dwelling should be built for the use of the executive and his family, as is done in nearly all the states. In the meantime, if it is insisted that the governor shall move his family to Pierre to remain during his term of office, I suggest that an appropriation be made to pay his rent and expenses of moving, vouchers for the same to be audited and filed in the same manner as is required in case of other expenditures for his office."

5 Jan. '09, p. 60; 11th Ses. H. J. p. 80.

791. Insurance—Public Buildings

- a. Mellette—Advises that same be dispensed with or reduced to smaller amounts.
7 Jan. 1891; 2nd Ses. H. J. p. 15.
- b. Sheldon—Calls attention that policies expire and urges appropriation for renewal.
8 Jan. 1897; 5th Ses. H. J. p. 61.
- c. Herreid—"Before appropriating money for the insurance of public buildings, the officer or board having the building in charge should be consulted. Provisions should be made for the insurance of public buildings in the course of construction."

6 Jan. '03, p. 49; 8th Ses. H. J. p. 60.

800. Taxation

- a. Mellette—Special blanks for returns from banks and moneyed corporations for use of assessors and county boards of equalization.
7 Jan. 1891; 2d Ses. H. J. p. 26.
- b. Sheldon—Recommendations as found in the auditor's report.
8 Jan. 1897; 5th Ses. H. J. p. 65.
- c. Lee—Speaking of a solution to the tax problem, "* * *" by way of expediting matters it has been suggested that the present legislature authorize the appointment of a commission of experts to prepare a suitable measure and report the same to the next legislature."

7 Jan. 1897; 5th Ses. H. J. p. 46.

- d. Herreid—Discussion of.

3 Jan. '05, p. 3-16; 9th Ses. H. J. p. 20-34.

- e. 1. Crawford—"The revenue law of South Dakota does not furnish a remedy for these glaring defects, which, more than once, have made members of the State Board of Assessment and Equali-

zation sick at heart. I heartily agree with the outgoing state treasurer in the advocacy of a law creating a non-partisan, appointive tax commission." 5 Jan. '09, p. 18; 11th Ses. H. J. p. 38.

2. Crawford—"This whole subject is one of such far-reaching importance and involves so much careful investigation and work, that I am convinced that we should follow Minnesota and Wisconsin, where a non-partisan tax commission has worked out the problem to the satisfaction of the people."

5 Jan. '09, p. 19; 11th Ses. H. J. p. 39.

801. County Collections

Sheldon—Speaking of the moneys collected by county treasurers—" * * * These moneys seem to me to remain too long in the hands of the county treasurers, and afford unnecessary opportunity for loss, which might be avoided if monthly payments were required. In any event the authority ought to be given the state auditor to force compliance with the law."

8 Jan. 1895; 4th Ses. H. J. P. 21.

809. Moneys and Securities

(See also 841.)

Herreid—" * * * Probably not more than 2% of moneys and credits is taxed. * * * One can hardly expect the owners of this class of property to submit to an assessment at full value, and pay taxes which in many instances would equal one-half the rate of interest."

3 Jan. '05, p. 8-9; 9th Ses. H. J. P. 25.

810. Exemption

Mellette—Advises that personal exemptions be made absolute, their mortgage forbidden under penalty and rendered void and inoperative if made.

8 Jan. 1890; 1st Ses. H. J. p. 38.

819. Assessment

- a. Mellette—"The only way to accomplish much progress on this line would be through a state board with power to adopt and enforce rules and regulations seeking uniformity in the work of the county assessors. * * * The public examiner should be charged with the duty of furnishing returns to local assessors and the state board of equalization for their information touching the assessments of all private corporations, and to this end should have access to all records and powers of inquiry." 3 Jan. 1893; 3d Ses. H. J. p. 13.
- b. Lee—"To avoid the undue influences of the railroads on the Board of Assessment and Equalization, a law should be enacted giving the power of assessment to assessors of the various counties in which such properties lie." 8 Jan. 1901; 7th Ses. H. J. p. 38.
- c. Herreid—" * * * Every assessor aims to protect his district by a very low assessment and every county board aims to protect the county. The result is an aggregate assessment, probably less than 25% of the real valuation of the taxable property in the state."

However, it is not a low valuation that is so objectionable, but the gross inequality which is inevitable under the prevailing practice. During the year of 1904 there were 2018 men engaged in the work of assessment in this state as county, city and township assessors and deputies, without uniformity of action and without a standard of valuation. There were 53 county boards of equalization, each board acting independently. A perfect system would give the State Board power to appoint every assessor in the state, with power to summarily remove every one who fails, neglects or refuses to assess property according to law. Such a change, however, is too radical for consideration at the present time. * * * I respectfully make the following recommendations: 1st. The first meeting of the State Board should be held in January or February, with authority to adjourn from time to time. 2d. The appointment by the members of the board of an officer who may be designated 'State Tax Commissioner.' 3d. An annual meeting of the county assessors of the state. Counties having no county assessor, the chairman of the county board to represent said county* * *."

3 Jan. '05, p. 11-12; 9th Ses. H. J. p. 28

- b. Elrod—"The tendency of things under existing laws, is to escape taxation and, if something is not done, before we realize it, real estate and the homes of our people will be paying all the taxes. * * * If any class of property is to be exempt it should be the little home of the family. It is a notorious fact that no tax is paid on probably 75% of our personal property. Moneys and credits are not listed * * * We have little faith that a costly tax commission can bring about a reasonably satisfactory adjustment. * * *"

3 Jan. '05, p. 3; 9th Ses. H. J. p. 63.

- c. 1. Crawford—" * * * The Auditor recommends that the Legislature appropriate funds to enable the State Board of Assessment to perform the duty imposed upon it by chapter 40, Session Laws 1905, making it the duty of that board 'to take such means and measures as they shall deem proper and expedient to ascertain, discover and place upon the proper assessment rolls and tax lists all taxable property in any county omitted from such assessment rolls and tax lists or which has been omitted or concealed from assessment,' calling attention to the fact that the Legislature of 1905, which enacted the law, made no provision by appropriation for carrying it into effect. I heartily join in the recommendation of the Auditor."

8 Jan. '07, p. 8-9; 10th Ses. H. J. p. 71.

See also pp. 19-20, 6 Jan. 1909.

2. Crawford—" * * * It is a well known fact that local assessors fail to assess moneys and credits and a vast amount of property never goes upon the tax rolls. The poor man whose only possession consist of a home, a little household furniture, and a horse or cow, can not hide his property from the assessor, nor does he attempt to do so. The law should be amended in the respects I have pointed

out and then enforced. * * * The law enacted two years ago, giving the State Board of Assessment authority to take such means and measures as may be necessary to ascertain, discover and place upon the assessment rolls taxable property omitted there from or concealed, should be made effective by making an appropriation which would enable this board to employ an agent to go out over the state and make a personal investigation of such cases and report the same to the board. I earnestly recommend this subject to you as one of the greatest importance, demanding effective legislation at your hands.* * *

8 Jan. '07, p. 36; 10th Ses. H. J. p. 99.

3. Crawford—"While dealing with this topic, your attention is called to chapters 40 and 42 of the Session Laws of 1905, both of which are excellent statutes, but cannot be made effective without an appropriation that will enable them to be executed. The first of these statutes makes it the duty of the State Board of Assessment 'to take such means and measures as it shall deem proper and expedient to ascertain, discover and place upon the proper assessment rolls and tax lists all taxable property in any county omitted from such assessment rolls and tax lists, or which has been omitted or canceled from the assessment'; the second provides for an annual meeting of the county auditors of the state with the State Board of Equalization for a conference in relation to assessments for the purpose of securing a uniformity in rates of valuation in the several counties. By an effective appropriation to secure the carrying out of these statutes, they can be made to serve a very useful purpose in matters relating to assessment and taxation."

5 Jan. '09, p. 19; 11th Ses. H. J. p. 39.

825. Equalization

Herreid—Discussion of.

6 Jan. 1903, pp. 7-11; 8th Ses. H. J. p. 15-22.

827. Collection

- a. Sheldon—Suggests that time for collection be changed so that farmers and others may not feel the burden of enforced collection of taxes.
3 Jan. 1893; 3d Ses. H. J. p. 37.
- b. Lee—"I would recommend that the passage of an act for the payment of taxes twice a year, as in Iowa, would afford the people some little relief."
7 Jan. 1897; 5th Ses. H..1. p. 45.

829. Taxes Delinquent

- a. Mellette—Suggests amendment to law so that the county treasurer be required "to offer for sale all the real estate in the county, upon which taxes are due and unpaid, and sell the same in a body to the person who will pay the whole of said taxes at the lowest rate of interest, not exceeding that now fixed by law, and upon failure to receive such a bid, that the county be authorized to purchase the same and issue its warrants therefor, drawn upon the tax sale redemption fund, and that all moneys received from the redemption

of said real estate and from all sales of lands for which the time of redemption has expired and the county has acquired the title, be placed to the credit of such fund for the payment of such warrants.”

7 Jan. 1891; 2d Ses. H. J. p. 15.

- b. Lee—“If each county was made liable to the state, for the state taxes levied on property within its borders, and proper penalties fixed for neglect to remit the tax to the state treasurer within a specified time, I believe the abuse would end.”

8 Jan. 1901; 7th Ses. H. J. p. 37.

833. Revenue, License or Privilege

Lee—Suggestions relative to meeting deficit.

8 Jan. 1901; 7th Ses. H. J. p. 38.

CORPORATIONS

842. Taxation, License Fees

Elrod—“However, I think a law should be passed to impose taxes upon corporations, associations and joint stock companies, chartered or incorporated under the laws of any other state, for the privilege of coming into this state for the purpose of doing business here; provided it is found to be within legislative control in the exercise of its police power. If such an act is passed, it should provide for the collection of said taxes and the payment thereof into the state treasury * * *.”

8 Jan. '07, p. 35-36; 10th Ses. H. J. p. 54.

843. Banks

(See also 1679, Banking.)

- a. Mellette—“All institutions loaning money or doing banking business should be made to incorporate so as to subject them to the supervision of the Public Examiner.”

7 Jan. 1891; 2d Ses. H. J. p. 26.

- b. Lee—“Banks ought not be permitted to incorporate with a capital of less than \$20,000, unless they give bonds for the protection of depositors, and their capital should be invested wholly in money or securities calling for money.”

6 Jan. 1899; 6th Ses. H. J. p. 130.

- c. Herreid—“* * * From the best information that the state board could obtain it appears that for the year 1904 bank stock was assessed from 191/4% to 100% of par value. * * * The board attempted to equalize by an assessment of 60% of the par value, although the ‘true and full value’ of bank stock, even in the same county varies from par to two and three times par value and a uniform arbitrary rate is grossly inequitable * * *.”

3 Jan. '05, p. 9; 9th Ses. H. J. p. 25.

844. Foreign Corporations

Crawford—The basis of the taxes paid, as fixed by our statute, is two and one-half per cent. on gross premiums. The constitution-

ality of this law was raised recently in a suit brought in the Second Judicial Circuit and the law was held by that Court to be invalid. I understand that an appeal is pending and if the decision of the lower court should be affirmed, there will be no statute for the taxation of insurance companies. The proposal to amend the constitution in regard to revenue submitted by the Legislature of 1907, and defeated at the recent election, was designed to reach a case like this, so that the taxation of the income of a foreign corporation having no tangible assets within the state, but receiving each year very large sums of money upon South Dakota business, would have express constitutional sanction. But as I have said before in this message, the proposal was unfortunate in removing the constitutional limit.

"Let another proposal with proper safeguards as to the limit be submitted by this legislature to the voters of the state at the next general election, and it will be ratified by an overwhelming vote, because the people of this state will not consent to the escape of the insurance companies from the burdens of taxation.

"This is a matter demanding your most serious consideration. The Commissioner of Insurance suggests the enactment of a law making it clear what the attitude of this state is in relation to the practice of creating so called "advisory boards," for the purpose of inducement in soliciting life insurance. I believe this practice is vicious and wrong and ought to be prohibited by statute. I recommend that you investigate the matter with the view to putting an end to the practice."

5 Jan. '09, p. 50; 11th Ses. H. J. p. 71..

845. **Transportation and Transmission Corporations**

- a. Sheldon—"The case of the State against the Western Union Telegraph Company, which resisted the collection of taxes on account of what was claimed (to be excessive valuation of property disclosed the fact that the laws of 1890 and 1891 providing for the assessment of railroads, telegraph and telephone lines were never lawfully enacted. It will be your plain duty to promptly pass a law in correction of this most serious mistake."

8 Jan. 1895; 4th Ses. H. J. 1). 2

- b. 1. Lee—Recommendations relating to.

6 Jan. 1899; 6th Ses. H. J. p. 108-112.

2. Lee—"The property of the telephone, telegraph and express companies should be taxed according to their productive value***."

8 Jan. 1901; 7th Ses. II. J. p. 39.

3. Lee—Recommends that telegraph and telephone companies be put under the supervision of railroad commissioners. Further recommendation that state buy present telephone lines or build and operate its own.

8 Jan. 1901; 7th Ses. H. J. p. 39.

- c. Crawford—"* * * The State Board levies all the tax which is at all levied upon the property of telegraph, telephone, express and sleeping car companies in the state. The statute says that the tax

so levied shall be equal to the average assessment of the state, county, school and municipal taxes levied upon other property for the preceding year, and shall be apportioned by the State Treasurer between the state and the various counties in which the company so assessed is doing business, the amount to which each county is entitled being determined by the State Board of Equalization. The statute does not authorize the board to include the average equivalent of the road tax levied upon other property the preceding year. At this time, when a cry is coming up from all over the state for better roads, these corporations are enjoying absolute immunity from road taxes. * * * It should be made the duty of the Board of Railroad Commissioners to employ experts for the purpose and to collect authentic and reliable information concerning the actual value of the railway properties in the state, not only for the purpose of making the same a basis for rate schedules, but for the purpose also of giving the eState Board of Assessment some independent and reliable information of the real value of these properties.* * *

8 Jan. '07, p. 36; 10th Ses. H. J. p. 99.

847. Funds from other than Common Taxation

Lee—Attention is called to the inadequacy of the law controlling the handling of such funds.

6 Jan. 1899; 6th Ses. H. J. p. 96.

849. Budget.

a. 1. Herreid—Discussion of.

6 Jan. '03, p. 4-7; 8th Ses. H. J. p. 15-18.

2. Herreid—Statement of receipts and disbursements.

3 Jan. '05, p. 16-17; 9th Ses. H. J. p. 32-33.

3. Herreid—"The following comparative statement of the rate of taxation for all state purposes is for the year 1904:

South Dakota	3	mills
Minnesota	2.73	mills
Iowa	3.5	mills
North Dakota	5.5	mills
Illinois	5.5	mills
Nebraska	6	mills
Wyoming	6	mills

As the valuation of property in -Minnesota and some of the other states is much higher than in South Dakota it appears that the burden of taxation in this state is much less than in any other state in the northwest."

3 Jan. '05, p. 42-43; 9th Ses. H. J. p. 60.

b. Elrod—"In a word, this Legislature, composed of business men, should keep Appropriations within the Revenues. You should manage this business intrusted to you by your constituents the same as you would your farm, your bank, or your store. In plain and simple words, you should not contract debts without providing the money with which to pay them.

3 Jan. '05, p. 9; 9th Ses. H. J. p. 69.

851. Appropriations. Limit of Expenditure.

- a. 1. Mellette—Recommends the enactment of statutes which will nullify all "territorial statutes so far as they can possibly be construed as appropriating public revenues or authorizing any state officer, agent, or board to incur any indebtedness or expend any money on behalf of the state except, as specifically authorized by the state legislature, and that the auditor shall not draw or the treasurer pay any warrant upon the treasury except in pursuance of an appropriation for the specific purpose first made, and providing severe penalties for its violation."

7 Jan. 1891; 2d Ses. H. J. p. 1:3.

Recommendations renewed.

3 Jan. 1893; 3d Ses. H. J. p. 14.

2. Mellette—Speaking to the legislators relating to the Section 9, Article IX. of the Constitution on the subject of indebtedness and incurring expenses, advises that a state fiscal year be determined "at the beginning of which all general appropriations shall take effect, ascertaining the revenue necessary to conduct the business of the state to that date, then making specific appropriations therefor and declaring all territorial and state laws void as to the appropriation of money. From that date after ascertaining the revenues on hand or the deficit as the facts may show, let specific appropriations be made for all expenditures necessary for two years, and provide the adequate legislation to produce the required sum, always within the constitutional limitations."

7 Jan. 1891; 2d Ses. H. J. p. 16.

- b. 1. Sheldon—Urges caution in making appropriation for public institutions.

3 Jan. 1893; 3d Ses. H. J. p. 36.

2. Sheldon—"The credit of the state must be maintained, and this can only be done by bringing disbursements to the level of the receipts. * * * Our penal and charitable institutions must be provided for. * * * I am sure it will be your wish to consider carefully the requirements of all the institutions of the state for the maintenance of which appropriations are made by the legislature, and that in your deliberation the requirements will be made to conform to the state's ability to meet them, without hazard to its credit."

8 Jan. 1895; 4th Ses. H. J. p. 22.

3. Sheldon—Asks that particular consideration be shown the School of Mines.

8 Jan. 1895; 4th Ses. H. J. p. 30.

- c. Lee—Urges money be appropriated those who advanced money for the equipment of national guard for Spanish-American war.

6 Jan. 1899; 6th Ses. H. J. p. 125-27.

- d. Crawford—"* * * However, if the coming session will carefully consider all requests for new buildings and special appropriations of all kinds, use reasonable judgment for allowance for maintenance, we shall, in a very short time, pay up all indebtedness and be on a cash basis. Surely no prudent man, in the management of his private business, will plan on the expenditure of more than his possible

income. * * * We realize the necessity for new accommodations and equipment for our state institutions, and believe in treating them all fairly and honestly, yet there should be a reasonable limitation to these expenditures.” 6 Jan. '09, p. 5; 11th Ses. H. J. p. 6.

- e. Vessey—"The expenditures of the past two years have included the erection of several buildings. These stand in the nature of invested capital, but provision had to be made for them out of the current revenue. There is not now any pressing need for much further building, and I recommend that your expenditures in this direction be carefully restricted. The care and disposition of state funds should have your careful attention."

5 Jan. '09, p. 5; 11th Ses. H. J. p. 95.

852. Governor's Contingent Fund

Crawford—Denounces Governor's contingent fund and asks that appropriations for Governor's use be made for specific purposes.

8 Jan. '07, p. 13-16; 10th Ses. H. J. p. 76-79.

853. Accounts

- a. Mellette—Uniform system of bookkeeping in auditor and treasurer offices.

7 Jan. 1891; 2d Ses. H. J. p. 29.

- b. 1. Lee—Quotes the suggestion of public examiner for uniform system.

6 Jan. 1899; 6th Ses. H. J. p. 91.

2. Lee—"All funds, of whatever character, should be paid into the state treasury and drawn out only on authenticated vouchers; and expense accounts should be appropriated by the legislature. * * *

6 Jan. 1899; 6th Ses. H. J. p. 78.

856. Investigation

Lee—Suggestions relative to the Taylor Investigation.

7 Jan. 1897; 5th Ses. H. J. p. 41

856. Examination, Audit

- a. Lee—Speaking of certain rules established by state auditor. "The rule requiring receipts from state officers and others showing that expense funds have actually been used for the purpose intended is not in any sense an unjust or tyrannical requirement."

6 Jan. 1899; 6th Ses. H. J. p. 71.

- b. Crawford—Quotes at length recommendations of the Public Examiner.

5 Jan. '09, p. 45; 11th Ses. H. J. p. 65.

859. State Treasurer

- a. 1. Lee—Statement of practice of treasurer taking interest, on state moneys and suggestions for procedure thereon.

6 Jan. 1899; 6th Ses. H. J. p. 113-125.

2. Lee—Suggests certain reforms relating to salary and bond.

8 Jan. 1901; 7th Ses. H. J. p. 36.

- b. Herreid—Remarks as to the amount of bond, and sureties.

6 Jan. '03, p. 12-13; 8th Ses. H. J. p. 23-24.

- c. 1. Elrod—"The salary of the State Treasurer should * * * be increased. * * *" 3 Jan. '05, p. 9; 9th Ses. H. J. p. 69.
2. Elrod—"The salary of the State Treasurer should also be increased and greater safeguards should be thrown around the handling of the public funds. The treasurer should furnish a surety bond made by not less than four first-class companies and the state should pay for the bond." 8 Jan. '07, p. 43; 10th Ses. H. J. p. 62.

860. Fiscal Year

Mellette—Recommends that the 30th of June end the fiscal year.

8 Jan. 1890; 1st Ses. H. J. p. 50.

7 Jan. 1891; 2d Ses. H. J. p. 29.

861. Funds

- a. Mellette—"All receipts for fees and tuition (from Public Institutions) should go into the general fund of the state."

7 Jan. 1891; 2d Ses. H. J. p. 15.

- b. Lee—"* * * the policy of keeping large sums of money in the treasury while the state is paying interest on ;past due indebtedness is deserving of the severest condemnation."

6 Jan. 1899; 6th Ses. H. J. p. 69.

861. Warrants.

Lee—Relating to certain suggestions made by the public examiner. " * * * all warrants issued by public corporations in this state be invested with the qualities which distinguish a bond, so as to provide that interest shall be paid at definite periods, annually or semi-annually, and that payment of principal and interest be fixed for a stated time, which warrants should be authorized in multiples of \$5, \$10, or \$20, and authorized so as to make their transfer easy."

6 Jan. 1899; 6th Ses. H. J. p. 90.

865. Debt.

- a. 1. Mellette—Recommends the appointment of a committee to act with a like committee from North Dakota to make final adjustment of accounts, etc.

8 Jan. 1890; 1st Ses. H. J. p. 48.

County

2. Mellette—" * * * It is recommended that provisions be made to enable county commissioners to loan to those who are able to repay, as they are prohibited by Art. XIII, Sec. 4 of the Constitution from incurring a county debt exceeding in the aggregate 5% of the assessed valuation of the county." (Relating to farmers and others suffering from crop failure.)

8 Jan. 1890; 1st Ses. H. J. p. 47.

3. Mellette—Speaking of the territorial debt to be assumed by the state. " * * * it is recommended to annul all appropriations made by the territorial legislatures and to convert into the general fund all unexpended balances remaining to each account on the first

day of January, 1890. * * * Ascertain the floating indebtedness of the state at the date of admission, and provide for its liquidation by the issue of bonds * * * estimate the amount that will accrue from a two mill levy * * * take the list of estimated expenses and provide first for those actually indispensable under careful and economical management, and divide the remaining sum available among the other public institutions and administrative departments so as best to conserve the public interests, in no event permitting the deficiency to exceed the limit of \$100,000 permissible by the Constitution." 8 Jan. 1890; H. J. 1st Ses. p. 30.

- b. Lee—"It is to be hoped this policy of bond paying, which I have insisted on in the past, will be vigorously carried on until South Dakota is out of debt." 8 Jan. 1901; 7th Ses. H. J. p. 37.

- c. 1. Herreid—Remarks on the bonded indebtedness of the state.

3 Jan. '05, p. 17; 9th Ses. H. J. p. 17.

2. Herreid—"In September, 1901, Simon Schaffer, of New York, through Hon. Charles H. Burke, made to the state of South Dakota, a donation of 10 bonds, issued by the state of North Carolina, with accrued interest, amounting to \$27,400. The bonds were delivered with the intimation that the donor 'would be pleased if the Legislature of South Dakota would apply the proceeds * * * to the State University or to some of its asylums or other charities' * * * Prior thereto the Legislature had enacted a law making acceptance mandatory." 3 Jan. '05, p. 41; 9th Ses. H. J. p. 58.

- d. Elrod—Recommends return to North Carolina of money paid to South Dakota on account of judgment in *South Dakota v. North Carolina* (192 U. S. 286).

8 Jan. '07, p. 11-14; 10th Ses. H. J. p. 30.

868. County Treasurer-Deposit-Funds, etc.

- a. 1. Lee—"County treasurers should also be required to give guarantee bonds such as are given by employees of corporations, to be paid for by the county." 6 Jan. 1899; 6th Ses. H. J. p. 134.

2. "A depository law should be enacted to force the banks to pay interest on state deposits * * *."

8 Jan. 1901; 7th Ses. H. J. p. 36.

- b. Elrod—"* * * Some arrangement should be made whereby a certain portion of the surplus money in the state treasury should be loaned to reputable and responsible banks within this state, and the interest received therefor, on daily balances, should be (by the banks) turned into the state treasury."

3 Jan. '05, p. 9; 9th Ses. H. J. p. 69.

- c. Crawford—"Both of the great political parties in this state have declared in favor of a comprehensive state and county depository law, which shall yield a revenue to the state and county. * * * The depository law should be so drawn as to deal justly with the treasurer by placing a large part of this tremendous responsibility elsewhere, or by providing, in some manner, for more adequate com-

pensation. * * * This subject is one which you are charged to put into the form of law by the verdict of the people and demands your best effort." 5 Jan. '09, p. 28; 11th Ses. H. J. p. 48.

- d. Vessey—"I recommend the enactment of a law providing for the designation of depositories of state funds and the payment to the state of interest on the daily balances in such depositories. The regulations governing such depositories should be uniform and open on equal terms to all the banks of the state, and no bank outside of the state should be eligible to selection. * * * The taxes * * * the source of these funds, come from all parts of the state and in selecting depositories for them it should be made possible for every part to benefit. * * * They should be scattered among as large a number of banks as is compatible with their safety and the efficient administration of the treasurer's office. They should further be carefully safeguarded so as to make it impossible that these deposits should be directed by personal influence or political favor. At the same time, provision should be made for paying for the bond of the treasurer out of the state funds."

5 Jan. '09, p. 5; 11th Ses. H. J. p. 95.

900. Intoxicating Liquors

1. Lee—"I am not disposed to make a definite recommendation in the favor of any system of regulation. The matter is with the legislature." 7 Jan. 1897; 5th Ses. H. J. p. 35.

2. Lee—Recommendations relative to laws governing wholesalers, retailers and druggists.

8 Jan. 1901; 7th Ses. H. J. p. 66.

903. Prohibition

Mellette—Calls attention of legislature to Constitution relating to regulations and penalties for manufacture and sale of intoxicating liquors.

8 Jan. 1890; 1st Ses. H. J. p. 43.

903. Dispensaries

Lee—Calls attention to constitutional amendment relating thereto, and points out duty of legislature in carrying out provisions of same.

6 Jan. 1899; 6th Ses. H. J. p. 132.

913. Pharmacy-State Board

- a. 1. Sheldon—"It would seem to the executive a proper thing that our school of pharmacy, at the agricultural college, should receive the endorsement of the state board of pharmacy, and that some credit should be given for the tuition received there,"

8 Jan. 1895; 4th Ses. H. J. p. 43.

2. Sheldon—"A small appropriation ought to be made and given to the Board of Pharmacy for its use in prosecuting violations of the law."

8 Jan. 1897; 5th Ses. H. J. p. 80.

- b. Crawford—"I am glad to note that the Board of Railroad Commissioners urges the enactment of a law which will, So far as pos-

sible, prevent drunkenness and disorderly conduct on railway trains in this state. A number of states have effective statutes absolutely prohibiting gambling and the public drinking of intoxicating liquors upon passenger trains. I join heartily in the recommendation of the Board that an effective law be enacted to correct this evil."

5 Jan. '09, p. 28; 11th Ses. H. J. p. 48.

921. Inebriates

Vessey—"* * * Confirmed victims of the liquor habit lose not only their capacity for supporting their families, but their capacity for self-support as well. When they reach this stage, it becomes a matter for the state. This condition is a disease and should be treated as such. I recommend the establishment of a Hospital for Inebriates, where these unfortunates may have the care and medical attention which their condition demands. * * * I believe the liquor traffic, which is the cause of their downfall, should be made to stand the expense of their care. I recommend that provision be made for the erection and maintenance of the proposed Hospital by requiring that fifty per cent of all licenses paid within the state be paid to the state direct for that purpose."

5 Jan. '09, p. 12; +11th Ses. H. J. p. 102.

925. Cigarettes

- a. Elrod—"Cigarette smoking seems to be quite prevalent among schoolboys. The law on this subject should be strengthened. The law should be amended prohibiting the sale and use of cigarette papers in the state."

2 Jan. '07, p. 8; 10th Ses. H. J. p. 27.

- b. Vessey—"* * * I want to call your attention to the crusade which is being made against the use of the cigarette. If you will note what the medical profession is saying in regard to this rapidly increasing and very harmful habit, and also how clearly the educators of our state point out its harmful effect upon our young boys, physically, mentally and morally, you will see the great need of drastic laws against the sale of cigarettes in this state."

5 Jan. '09, p. 12; 11th Ses. H. J. p. 102.

932. Health

Herreid—Recommendations as to Board of Health.

6 Jan. '03, pp. U4-25; 8th Ses. H. J. p. 35-36.

944. Medicine—License to Practice

Herreid—"The people demand from the medical profession the highest proficiency and the tendency of legislation is towards higher standards of excellence. The new law was manifestly along the line of progress and improvement."

3 Jan. '05, p. 28; 9th Ses. H. J. p. 45.

948. Dentistry

Herreid—Board of Dental Examiners—"* * * On the ground of public policy, no private association or 'close corporation' [State

Dental Society] should the authorized to dictate the appointments to be made by the governor, for which he is, and justly so, responsible to the people of the state * * *."

6 Jan. '03, p. 41; 8th Ses. H. J. p. 52-53.

949. Pharmacy

Herreid—"In the performance of my official duties I had occasion to examine chap. 132, laws of 1893 * * * being an act creating a South Dakota pharmaceutical association, establishing a board of pharmacy and regulating the practice of pharmacy in the state * * * This law is rank class legislation and against public policy. * * * It seems to me that the State Board of Pharmacy should be divorced from the Pharmaceutical Association; that, while said association might recommend men for said board, it should not be permitted to dictate the appointments; nor redistrict the state; and thus affect its membership; nor fix the annual license fees; nor foist on said board a secretary and treasurer; nor pay the salary and traveling expenses of its officers out of funds that belong to the state treasury * * *."

6 Jan. '03, p. 42-44; 8th Ses. H. J. p. 53.

936. Pure Food

- a. Lee—Recommends more stringent measures.

8 Jan. 1901; 7th Ses. H. J. p. 75.

- b. 1. Herreid—"South Dakota should now do what so many of the great states have done—provide for the appointment of a dairy and food commissioner, and thereby encourage the dairy interests and protect the health of the people. Such laws and such departments are no longer matters of experiment. The dairy and agricultural interests of other states demanded the establishment of such a bureau and have stood loyally by it and its officers."

8 Jan. 1901; 7th Ses. H. J. p. 22.

2. Herreid—"The Legislature of 1899 enacted a pure food law which remained inoperative till the following Legislature created the office of food and dairy commissioner for its enforcement and for regulating the manufacture and sale of dairy products."

6 Jan. '03, p. 25; 8th Ses. H. J. p. 436.

3. Herreid—Remarks relative to the Department of Food and Dairy Commissioner.

3 Jan. '05, p. 28-29; 9th Ses. H. J. p. 45.

- c. Crawford—"Certain sections in the law enacted by the legislature of 1907 in relation to the branding and sale of drugs and medicines were declared invalid for fatal omissions and ambiguities in the language used leaving our Pure Food Law somewhat crude and incomplete. * * * The law should be amended so as to become effective. The purpose should be, not to favor or injure any class, but to protect the consuming public from fraud."

5 Jan. '09, p. 57; 11th Ses. H. J. p. 77.

1042. Tuberculosis

Crawford—"I recommend that a special commission be authorized to be appointed by the Governor from among the most reputable and specially fitted physicians of 'the state to investigate the extent of this disease in our state and to collect and distribute reliable literature, which will assist in educating the public as to the means by which 'its spread among the people may be checked, and the simple remedies by which cures in its earlier stages may be affected; that the Commission thus appointed be required to make its report to the next legislature and that a small appropriation be made for this purpose. While we are doing so many helpful things to conserve our material resources, we must not neglect to do those things necessary to preserve man himself."

5 Jan. '09, sp. 63; 11th Ses. H. J. p. 83.

1051. State Board of Embalmers

- a. Lee—Recommends that duties of be performed by State Board of Health.
8 Jan. 1901; 7th Ses. H.J. p.72

- b. 1. Herreid—Remarks on report of secretary.

6 Jan. '03, p. 32-33; 8th Ses. H. J. p. 44.

2. Herreid-Reference to. 3 Jan. '05, p. 31; 9th Ses. H J p 48.

1079. State Geologist

Mellette—"It is believed that a State Geologist should be made part of the equipment of the School of Mines as a much needed aid to the mining and agricultural interests of the state"

8 Jan. 1890; 1st Ses', 11. J. p. 45.

1109. Hotel Inspector

Vessey—"The office of hotel inspector, created by the last legislature has well justified its existence. Its authority should be extended to the kitchens and bedrooms of hotels and to the public waiting rooms at stations and passenger coaches of the railroads. If this should be accomplished and salutary laws on the subject made and enforced, it would be a very great service to the traveling public."

5 Jan. '09, p. 10; 11th Ses. H. J. p 100.

1117. Gasoline, Inspection of

Lee—" * * * I suggest that gasoline should be inspected, and that the present law be amended so as to bring under the jurisdiction of the inspector all oils brought into the state, whether for sale or private consumption."

6 Jan. 1899; 6th Ses. H. J. p. 93.

PUBLIC SAFETY**1129. Boiler Inspection**

- a. Sheldon—" * * * I earnestly urge upon you, if it shall be in your power, the enactment of a law to provide for the inspection of steam boilers, and the careful examination as to their competency of persons who may be employed as engineers."

3 Jan. 1893; 3d Ses. H. J. p. 35.

- b. Lee—"None but licensed engineers could be allowed to run steam engines, and the steam boilers of the state should be regularly inspected and certificates issued testifying to the soundness of the boilers passed upon. Reasonable fees for such Services will not only pay the inspectors, but will be a source of considerable revenue to the state treasury." 6 Jan. 1899; 6th Ses. 1H. J. p. 133.

1144. State Veterinarian

- a. Mellette—"While the expense of maintenance is gratifying when compared with its former administration, it is believed that the cost of the necessary service can be still further reduced by a change of the law. . To this end the division of the state into convenient districts is recommended and the designation of a competent veterinarian for each, whose remuneration shall be a fixed sum, per diem, for the time necessarily employed in official duty and who shall answer all calls on order of the executive or the county commissioners, the state to pay expenses in the former case, and the county in the latter." Advises also provision for quarantine regulations.

8 Jan. 1890; 1st. Ses. H. J. p. 40.

- b. 1. Sheldon—"No provision was made by the legislature of 1893 for the payment of the state veterinarian. * * * He will present you his claim, and it is very proper that it should be paid. Either declare that the office is of no value and abolish it, or make some provision for its support." 8 Jan. 1895; 4th Ses. H. J. p. 40.

2. Sheldon—"I hope in your wisdom you will make a careful study of this (stock and dairying) subject and make such provisions for the veterinarian as will justify a skillful man in accepting an appointment under the law, and giving his whole time and attention to the stamping out of disease wherever it is found."

8 Jan. 1897; 5th Ses. H. J. p. 80.

- c. Lee—"The stock interests of the state are growing so rapidly that they bid fair to soon outweigh in value and volume all others, and it does seem that the state should have sufficient regard for this class of property to make suitable appropriation for the salary and expenses of a veterinary surgeon, whose duty it shall be to answer calls from various localities, and to thus prevent so far as may be, the spread of contagious diseases among live stock, which if allowed to go unchecked may cost stock raisers thousands of dollars where the expense of a state veterinary would cost one."

6 Jan. 1899; 16th Ses. H, J. p. 94.

- d. Herreid—"The Live Stock Industry of the state is assuming vast proportions. Our present laws do not meet the demands of the live stock interests. The Veterinary Surgeon should be paid a salary and expenses. He should not only establish and enforce quarantine regulations upon all necessary occasions to promptly prevent the spread and eradicate infections or contagious diseases among domestic animals, +but he should make such scientific study, investigations and experiments as he shall deem necessary in relation to the

prevention and cure of diseases among animals and disseminate information concerning the same." 8 Jan. '01; 7th Ses. H. J. p. 21.

2. Herreid—" * * * Had it not been for the action of the last Legislature in providing for a salaried veterinary surgeon, it is now evident that the losses among the stockmen of our state would have been enormous." 6 Jan. '03, p. 31; 8th Ses. H. J. p. 42.

3. Herreid—Statement of work done by the State Veterinarian.

3 Jan. '05, p. 32; 9th Ses. H. J. p. 49.

- e. Elrod—"A law should be enacted whereby the disease known as 'cattle mange' may be checked and cured. * * * It is our judgment that each township should be required to put in a dipping plant, when ordered to do so by the Board of County Commissioners, and that the same be under control of the supervisors of the town, and that each person who has cattle or sheep should be required to dip the same in the presence of a member of said board as often as is deemed advisable * * *." 3 Jan. '05, p. 5; 9th Ses. H. J. p. 61.

1155. Special Diseases—Glanders, Farcy

Herreid—" * * * A glandered horse is not only a source of great danger to the owner, but utterly without value. The owner may at the expense of the state have such diseased animal examined by the Veterinary Surgeon, but it is not quite clear why the state should pay for an animal that is utterly worthless * * *."

3 Jan. '05, p. 35; 9th Ses. H. J. p. 51.

1183. Irrigation

- a. 1. Mellette—Recommends legislation relating to, and cautions against granting any franchise in either the surface or artesian water supply that does not retain in the State the absolute right to regulate and control the same.

8 Jan. 1890; 1st Ses. H. J. p. 44

7 Jan. 1891; 2d Ses. H. J. p. 28.

2. Mellette—" * * * the legislation to enable counties and townships to sink wells 'has been somewhat disappointing, owing to the difficulty experienced 'in the Strict observance of all the legal formalities necessary by the township authorities in the issue of bonds, thus rendering their negotiation impossible. The law should be amended to avoid this objection." 3 Jan. 1893; 3d Ses. H. J. p. 22.

- b. 1. Sheldon—Urges that committees on irrigation faithfully study laws now in force with the view to their improvement.

8 Jan. 1895; 4th Ses. H. J. p. 42.

2. Sheldon—Urges an appropriation for the printing of the report of the engineer of irrigation.

8 Jan. 1897; 5th Ses. H. J. p. 71.

- c. Herreid—Remarks relative to the office of State Engineer of.

6 Jan. 03, pp. 33-34; 8th Ses. H. J. p. 44-45

- d. Elrod—"The last legislature passed an irrigation code. It needs some minor modifications."

8 Jan. '07, p. 43; 10th Ses. H. J. p. 62.

1184. Arid Lands

Lee—"I think the Legislature should memorialize Congress strongly against the passage of the bill to lease the government lands."

8 Jan. 1901; 7th Ses. H. J. p. 73.

1189. Artesian Wells

1. Crawford—"I learn from men of the most wide practical experience in this state, as drillers of artesian wells, and from geologists who have scientific knowledge upon the subject, that the great waste of water from the artesian basin caused by the sinking of numerous artesian wells in close proximity to each other and unchecked and constant flow there from, together with the loss of water into upper stratum in cases where the pipe and well casings have rotted out, -is materially diminishing the water supply and pressure and threatens to greatly impair, if not to ultimately destroy the invaluable benefits now enjoyed from this great subterranean water reservoir. Legislation is proposed for the purpose of regulating the sinking of these wells and the use of 'water therefrom. This legislation is entitled to your best thought and care."

8 Jan. '07, p. 42; 10th Ses. H. J. p. 105.

2. Crawford—"This is indeed a subject of very great importance. You are fortunate in having in your membership two citizens of the state who have more practical knowledge upon this subject, based upon actual experience, than any other two men in the entire West. I suggest that you draw (fully upon them in the matter of conserving this great gift which nature has placed in the subterranean regions for use of the people. Now is the time to prevent unnecessary waste of this great resource."

5 Jan. '09, p. 38; 11th Ses. H. J. p. 58.

3. Crawford—"I also commend to your careful attention the recommendations of State Engineer Lea, asking for specific legislation to conserve the artesian water supply and recommending the enactment as a state law of the Carey Land Act, relating to the reclamation of arid lands, passed by Congress in 1894."

5 Jan. '09, p. 39; 11th Ses. H. J. p. 59.

1200. Railways

a. Mellette—"* * * are entitled to the same just and fair treatment as other legitimate enterprises."

8 Jan. 1890; 1st Ses. H. J. p. 39.

b. Lee—"* * * I therefore recommend with all the emphasis at my command that this measure (the "Wheeler Bill"), which has been so well digested and so carefully passed upon by our ablest lawyers be enacted during the present week of the present session, to the end that it may not be attacked from without by amendments and riders which would destroy its vitality * * *."

7 Jan. 1897; 5th Ses. H. J. P. 32.

1212. Rates

Vessey—"Our party stands pledged to the passage of a two-cent rate law for passenger transportation. I urge its immediate passage, as you have noticed by the governor's message that the railroad commissioners have materially reduced the freight rates west of the river. We urge the continued supervision and watchfulness in regard to these rates, so that the farm, the factory and the mine in the western part of the state are able to send their products to all parts of the state at a reasonable freight rate."

5 Jan. '09, p. 10; 11th Ses. H. J-1). 100.

1227. Railroad Fares

Crawford—"It is worse than useless to attempt to convince the people that two and one-half cents per mile is confiscatory when the passenger trains in this state are crowded daily and when these same railroads are carrying many of the same passengers in Nebraska, Iowa and Minnesota for two cents a mile. It is just such conduct as this that creates a feeling against the railroads on the part of the people. The result is that all political parties and factions in 1908 joined in a demand that this Legislature pass an absolute actg with an emergency clause attached, making it effective at once, fixing the maximum passenger rate between points in this state at two cents a mile. The people have spoken on this subject and your duty is plain."

6 Jan. '09, p. 21; 11th Ses. H. J. p. 41.

1237. Passes, Franks

- a. Elrod—"Public opinion demands that railway passes should not be used by officials. It is my judgment that you should promptly prohibit the acceptance of passes by all state, county and municipal officials. Railroad employees and their families are entitled to free transportation, they are in fact a very necessary part of the company which employes them. * * * The newspapers of the state have done and are doing a great work in singing the praises of the state. It seems to me that it would be unwise for the Legislature to enact any law that would prevent the newspapers of this state receiving what is commonly known as newspaper mileage from the railroads for advertising. It is entirely immaterial what a man is paid with for his services. * * * CIt has been the custom for many years for railroads to issue transportation to real estate men on certain conditions. Their work has been a benefit to all concerned, most of all to the people who have located through them in our state. * * * It is right and proper that all who receive a benefit should pay for the same. If the railroads are willing to pay for such services with mileage there can be nothing illegal in such an agreement."

8 Jan. '07, p. 5-6; 10th'Ses. H. J. p. 24.

- b. 1. Crawford—" * * * The measure passed by Congress was very thoroughly discussed from every standpoint by men of great ability and it may be that you can not do better than to enact it as the

law of this state. If so, I suggest that the words 'agents' and 'attorneys at law' as used in the excepting clause, be clearly defined so as to prevent the issuance of passes for apolitical purposes to persons who were not in truth and good faith agents or attorneys of the company issuing them. Experience, observation and exceptional opportunities for noticing the effect of these favors upon men have thoroughly convinced me as they have many others, that the most seductive and dangerous influence at work in the field of politics and in official life today is the pass. It benumbs sensibility and acts like an opiate in dulling the edge of conscience. It is the equivalent, nay it is more than the equivalent,—of the money its possessor would otherwise have to pay for the privilege it confers because the recipient is flattered by the compliment paid him and persuades himself that receiving or using the pass is not in any sense a bribe but rather an act of courtesy due him because he has become a distinguished citizen of the state. Its influence is everywhere, in caucuses, conventions, legislative halls, courts and juries. Administrative, executive and ministerial officers, as well as party organizations and committeemen come within the range permeated by its mystic power. Congress recognized the necessity of abolishing it and the states are rapidly following with effective legislation. No half way measure should be passed; the evil must be abolished root and branch."

8 Jan. '07, p. 17-18; 10th Ses. H. J. p. 81.

2. Crawford—" * * * This Legislature is in honor and decency absolutely bound to enact a strict and effective law abolishing the pass evil, and will undoubtedly do its duty at an early date. * * * It is a well known fact that heretofore state officials have enjoyed the use of free transportation and while using it when traveling on behalf of the state, have frequently omitted the charge for mileage from their accounts. In making appropriations for these officers, you should grant such allowances for expenses as will enable them to purchase transportation when traveling in the service of the state."

8 Jan. '07, p. 13; 10th Ses. H. J. p. 76.

3. Crawford—Quotes objections made by Railroad Commissioners relative to the publication of names of persons receiving passes, franks, etc.

5 Jan. '09, p. 27; 11th Ses. H. J. p. 47.

1267. Railways—Commissioners

- a. 1. Mellette—Advises the enlargement of the powers of the commissioners as "there are other corporations that need control and supervision."

8 Jan. 1890; 1st Ses. H. J. p. 40.

2. Mellette—"I again urge as upon former legislatures, the wisdom of having but one railroad commissioner, himself, the public examiner and attorney general to constitute an appellate board for the consideration of important questions."

3 Jan. 1893; 3d Ses. H, J. p. 24.

- b. Sheldon—Calls attention to the resolution of the Republican state convention calling for the election of Commissioners, and increase

of powers of the board. 3 Jan. 1893; 3d Ses. H. J. p. 35.

2. Sheldon—"I hope you will make some provision that will in the future compel compliance with the law in these particulars." (that railroads furnish to the commissioners statements required by law). 8 Jan. 1895; 4th Ses. H. J. p. 68.

c. 1. Lee—Urges appropriation so that commission may successfully conduct suits against railroads to enforce the rate schedules.

6 Jan. 1899; 6th Ses. H. J. p. 82.

2. Lee—Recommends appropriation for.

8 Jan. 1901; 7th Ses. H. J. p. 68.

d. Herreid—Remarks relative to report and suggestions of Railroad Commission. 3 Jan. '05, p. 27; 9th Ses. H. J. 44.

e. Elrod—Remarks relative to conduct of business.

3 Jan. '05, p. 9; 9th Ses. H. J. p. 69.

1312. Transfer Facilities. Connections

Crawford—" * * * As the law stands, it is impossible to compel intersecting railways to put in connecting tracks. * * * The state of Minnesota has a connecting track law which has been sustained by the Supreme Court of the United States. I refer to section 3 of chapter 91 of the general laws of the state of Minnesota, sustained by the decision of the 'Supreme Court of Minnesota in 74 N. W. 893, and by the United States Supreme Court in 179 U. S. 288. I recommend that you enact the Minnesota law as the law of this state. The Constitution declares that railways are public highways and that each railway company shall have the right to intersect, connect with or cross any other railroad, and 'that railway companies shall receive and transport the tonnage and cars loaded or empty of the other, without delay or discrimination. The enactment of such a law Is necessary to make effective to the people the above constitutional provisions."

8 Jan. '07, p. 29-33; 10th Ses. H. J. p. 95.

1315. Accidents

Crawford—Quotes recommendation of Railroad Commission that a law be passed requiring railroads to report promptly and in detail all accidents which have resulted in loss of life or injury to persons.

5 Jan. '09, p. 27; 11th Ses. H. J. p. 47.

1411. Telegraph and Telephone

Elrod—"The tolls charged by telegraph and telephone companies are too high and the service is not always the most satisfactory. They should pay a just and equitable tax."

3 Jan. '05, p. 4; 9th Ses. H. J. p. 64.

1425. Weights and Measures

Lee—Recommends larger appropriation for inspection of.

8 Jan. 1901; 7th Ses. H. J. p. 68.

1493. Oil Inspection

- a. Mellette—"There should be an increase of the inspection fee where made' in small quantities as it is impossible under the present law to prevent the introduction of inferior oil * * *."
3 Jan. 1893; 3d Ses. H. J. p. 25.
- b. 1. Sheldon—Advises amendments to laws increasing duties and compensation of Inspector.
3 Jan. 1893; 3d Ses. H. J. p. 35.
2. Sheldon—"If it is within your power to make some provision which will secure 'to our people the use of oil which shall at all times be safe and good, I hope it will be done.'
8 Jan. 1897; 5th Ses. H. J. p. 72.
- c. 1. Lee—" * * * I am therefore of the opinion that if any legislation on the subject is attempted it should be in the direction of amplifying the powers of the inspector that a still better grade of oil may be required."
Speaking of the tests—"The requirements here should be equal to those in other states."
7 Jan. 1897; 5th Ses. H. J. p. 43.
2. Lee—Quotes suggestions of oil Inspector relative to tests, etc.
6 Jan. 1899; 6th Ses. H. J. p. 92.
3. Lee—Calls attention to the recommendations made by inspector.
8 Jan. 1901; 7th Ses. H. J. p. 73.
- d. 1. Herreid—"For a number of years the state has had a law providing for inspection of illuminating oils. After nearly two years of arduous work the present oil inspector in his report for the year ending Dec. 31, 1901, declares that 'the inspection law of our state, to say the least, is simply a burlesque.' Strenuous efforts have been made with biennial regularity to enact some law that would protect the state from being Lthe dumping ground for inferior oil that can not be disposed of in other states * * *."
6 Jan. '03, p. 26; 8th Ses. H. J. p. 37.
2. Herreid—"A law was enacted two years ago which has given the people relief from the adulterated oils for which South Dakota has become a favorite dumping ground. * * * I believe the fees for inspection should be no more than sufficient to pay all expenses incident to protecting the people of the state from the compulsory use of oil that is either nearly useless or dangerous. * * * The faithful, energetic and effective work of the Oil Inspectors is worthy of special commendation. * * * Some features of the new law—the requirements pertaining to specific gravity test and residue of oil offered for sale for illuminating purposes have been attacked by the Standard Oil Company. (They do not attack the flash test nor the other requirements, admitting that these are directed toward proper purposes, but claim that the residue test and the gravity test have no bearing upon the efficiency of the oil for illuminating purposes. * * * The case is now pending in the United States Circuit Court. * * * For two years the supply of oil 'has been satisfactory. The

people will never again submit to the condition which existed prior to the enactment of the present law.”

3 Jan. '05, p. 37-39; 9th Ses. H. J. p. 54.

1508. Warehouses

- a. Lee—Calls attention to the suggestions made by railroad commissioners relating chiefly to amendments to laws of 1890.

6 Jan. 1899; 6th Ses. H. J. p. 81.

- b. Herreid—“The [Railroad] Commissioners call attention to the inadequacy of the penal provision of the grain warehouse law and recommend the enactment of a law now successfully in force in Minnesota.”

3 Jan. '05, p. 28; 9th Ses. H. J. p. 44.

- c. Elrod—“* * * It has come to me that warehousemen and grain dealers buy and ship our grain on unreasonably large margins. To illustrate: At a station in this state where the freight rate is 7 cents per bushel, the margin that the dealers buy on by agreement, perhaps, is 18 cents per bushel, leaving the dealer a clear profit of 11 cents on every busel of grain he handles. Such practices as these are outrageous and demand your attention. Warehouses being under your control, it is clear to me that you can by law correct such abuses.”

8 Jan. '07, p. 43; 10th Ses. H. J. p. 62.

- d. Crawford—Calls attention to the recommendations of the Railroad Commissioners relative to warehouse licenses sand inspection.

5 Jan. '09, p. 25; 11th Ses. H. J. p. 45.

1.543. Coal and Coke Dealers

Elrod—“September 27, 1906, the railroads operating in South Dakota gave public notice, as required by the interstate commerce law, of a contemplated reduction of approximately 20% in the rates for hauling coal from all sources of supply for the different lines. My advices are that not to exceed one dealer out of three has given the consumers, the people of this state, any part of this reduction. These dealers are licensed by this state and are therefore under your control and it is plainly your duty to come to the relief of the people in this important matter that reaches every home.”

8 Jan. '07, p. 42; 10th Ses. H. J. p. 61.

1662. Expositions

- a. Mellette—Recommending representation at World's Fair.

7 Jan. 1891; 2d Ses. H. J. p. 31.

- b. Sheldon—Suggests the making of an appropriation for an exhibit at the World's Fair.

3 Jan. 1893; 3d Ses. H. J. p. 114.

Trans-Mississippi

- c. 1. Lee—Recommends a creditable exhibit done with utmost economy.

7 Jan. 1897; 5th Ses. H. J. p. 42.

2. Lee—Recommendations for appropriations (for representation at both St. Louis and Pan-American.

8 Jan. 1901; 7th Ses. H. J. p. 70.

- d. 1. Herreid—Calls attention to Pan-American and Louisiana Purchase. 8 Jan. 1901; 7th Ses. H. J. p. 27-28.
 2. Herreid—Gives further information relative to. 6 Jan. '03, pp. 44-47; 8th+ Ses. H. J. p. 56-58.

Louisiana Purchase

3. Herreid—Remarks on. 3 Jan. '05, p. 22-23; 9th Ses. H. J. p. 39.

1675. State Immigration Commissioner

- a. Mellette—Calls attention of the report of the commissioner, which asks legislature for funds to continue the department. 8 Jan. 1890; 1st Ses. H. J. p. 60.
 b. Herreid—"In order that the resources of the state may be made known to the homeseekers, the office of Commissioner of immigration should be re-established." 8 Jan. 1901; 7th Ses. H. J. p. 18.
 c. Elrod—"This state weeds an immigration commissioner. People from all parts of the country are constantly writing the executive and other officers for maps and for official statistics, etc., of the state. * * * I think lthe act creating such an 'office should require the commissioner to be especially careful not to send out inflammatory and exaggerated reports. The facts are good enough." 8 Jan. '07, p. 6; 10th Ses. H. J. p. 25.
 d. 1. Crawford—"No appropriation is made after January 1, 1909. The office is, therefore, without a dollar for its maintenance at this time. There seems to be a demand for the maintenance of an Immigration Bureau, and until some other and better plan is provided for, the arrangement made by the law of 1907, should be supported cby an appropriation: The term for which Mr. McIlvaine was appointed does not expire until April 1st, 1909. * * * I recommend that a pra rata sum be appropriated by an emergency law enacted at once to :maintain the office until that time, and that, in the meantime, this legislature determine what, if any, action shall be taken to establish by law a separate department for this work." 5 Jan. '09, p. 43; 11th Ses. H. J. p. 63.
 2. Crawford—"This Commission has made a preliminary report so replete with valuable information and suggestions that its contents will be a revelation to most people. The suggestions made in this report are invaluable. It ought to be printed and widely disseminated. There is no appropriation for that purpose, however. Its publication and distribution by the Secretary of the State Fair Board and Ex-Officio Commissioner of Immigration would give to the world 'information concerning our resources never published in so striking a manner before. * * * I earnestly urge that an appropriation be made for the printing and distribution of this report." 5 Jan. '09, p. 38; 11th Ses. H. J. p. 58.
 c. Vessey—"The use of proper advertising in showing these condi-

tions to lie buyers and investors of the East will add millions of dollars to the value of the lands and mines of the state, increase the revenue derived from taxes upon them, and abundantly justify the expenditure made to advertise them.”

5 Jan. '09, p. 8; 11th Ses. H. J. p. 98.

1679. Banking

- a. Lee—“I suggest that banks be required to put up personal or insurance bonds from approved guaranty companies, as they may elect, in cases where they borrow county funds, and that the law be amended to make it compulsory on county treasurers to keep county money in county vaults, un the event the banks decline to bid for it.”

6 Jan. 1899; 6th Ses. H. J. p. 134.

- b. Herreid—“The new banking law went into effect July 1st, 1903. Its operation has been most salutary. However additional power should be given the Public Examiner * * *

3 Jan. '05, p. 25; 9th Ses. H. J. p. 42.

- c. Vessey—“Our laws should be amended so that no bank may be allowed to incorporate with less than \$10,000 capital. No bank should be allowed to invest in its building and furniture more than 40 per cent of its capital and surplus. The amount of money a bank may loan to its own officers should be reduced and carefully restricted; if, indeed, such loans should not be wholly prohibited. Banks should be compelled to bond their active officers in stated amounts, the bonds to be approved by the public examiner. When the deposits of a bank exceed ten times its capital and surplus, such bank should be compelled to increase its capital or give bond to the state for a proportional amount of such excess. No bank should be permitted to be a stockholder in anther, bank.”

5 Jan. '09, p. 5; 11th Ses. H. J. p. 95.

1681. Deposits. Insurance of

- a. Crawford—Discussion of subject, with recommendations.

5 Jan. '09, pp. 46-50; 11th Ses. H. J. pp. 66-70.

- b. Vessey—“There is to strong public demand for the insurance of greater safety for bank deposits. The people are calling for some action to protect them in this respect. Our party platform declares in favor of the insurance of bank deposits in case of the establishment of Postal Savings Banks. I believe that a wise measure should be framed by which it will be made possible that all bank depositors shall be assured against loss. Pending the evolution of such a measure, I recommend that the safeguards around pur banks be increased and made more strict.”

5 Jan. '09, p. 5; 11th Ses. H. J. p. 95.

1732. Insurance

- a. Lee—“The enormous profits made by insurance companies doing business in this state are a proper subject for inquiry and legislation.

6 Jan. 1899; 6th Ses. H. J. 1p. 78.

- b. Herreid—Calls attention to report of department and recommendations contained therein.

6 Jan. '03, pp. 27-30; 8th Ses. H. J. p. 38-42.

- c. Vessey—"I recommend an entire revision of our Insurance Code and the enactment of a new code, modeled, so far as our conditions permit, upon the codes of Massachusetts, Colorado or Connecticut."

5 Jan. '09, p. 10; 11th Ses. H. J. p. 100.

1733. Supervisory Power

- a. Lee—"The commissioner should be given the same supervisory power over domestic concerns that he has over foreign companies."

8 Jan. 1901; 7th Ses. H. J. p. 65.

- b. Vessey—"I most earnestly direct your attention to the Department of Insurance. This department has been given too little attention in the past can has been too generally regarded as a mere political asset, instead of the trustee of the people's rights in this important field. * * * The luxuriance Commissioner should be given more definite power to exclude from the state such unsound companies as are not up to our standard of safety. * * * I would further suggest that the department of insurance be also empowered, after any serious conflagration, to take charge of and compel the removal of such ruins as are a menace to the public safety."

5 Jan. '09, p. 10; 11th Ses. H. J. p. 100.

1734. Examination. Reports

- a. Herreid—" * * * The fee system for examination of insurance companies, and for which they seem to expect to contribute from one to two hundred dollars, should be abolished. Nothing but the honesty of the Commissioner now prevents such 'examinations' of 119 companies once or twice a year, by which this office could be made to yield a revenue of at least \$10,000 per annum. The actual expenses of public officials (as well as salaries) should be paid out of the state's treasury. All proper charges for bona fide examinations should be paid to the state treasurer * * *"

3 Jan. '05, p. 31; 9th Ses. H. J. p. 47.

- b. Elrod—"I recommend that the law be amended so that it will be made the duty of the [Public] Examiner to examine each and all insurance companies chartered by this state, at least once a year."

8 Jan. '07, p. 36; 10th Ses. H. J. p. 55.

1735. State Insurance

Lee—"I am convinced that the state should undertake the business of insuring the property of its citizens."

6 Jan. 1899; 6th Ses. H. J. p. 79.

Lee—Recommendations renewed.

8 Jan. 1901; 7th Ses. H. J. p. 65.

1759. Mutual Companies

Lee—"The laws are imperfect in respect to local mutual companies."
8 Jan. 1901; 7th .Ses. H. J. p. 65.

1761. Fraternal Companies

Vessey—"In order to protect our people from the consequence of unwise rates in the various organizations offering fraternal and assessment life insurance, I recommend that no such organization outside the state be permitted to enter this state whose rates are not at last equal to the rates prescribed by the Fraternal Congress, and that such fraternal organizations now doing business in the state be given a certain time to adjust their rates."

5 Jan: '09, p. 10; 11th Ses. H. J. p. 100.

1764. Fire and other Casualty

Herreid—" * * * It is claimed that states having what is known as anticomcompact laws enjoy lower rates. If such a law tends to check unbearable avarice, South Dakota should try this remedy. The commissioner recommends the enactment of what is known as the 'valued policy' law. On investigation he has found that 20 states have such a law in -successful operation, among them the great states of Minnesota, Wisconsin and Ohio, and the companies doing business in South Dakota are operating in those states at rates ranging from 10 to 40% less than our people are compelled to pay. * * * While I am not prepared to fully indorse a 'valued policy' law including all classes of property, I can see no great danger from applying it to buildings. It appears to me that it is far less difficult to establish the actual value of a building before it is destroyed by fire than afterward * * *."

6 Jan. '03, p. 29; 8th Ses. H. J. p. 40.

1828. Experiment Stations

Elrod—" * * * The state owns a section of improved land at Sioux Falls and Watertown and I recommend that at least one half of each of these sections -of land be planted to corn under the supervision and direction of the Agricultural College at Brookings and that the corn raised be sold to the farmers at reasonable prices. There is no reason, if the Agricultural College gives the matter proper attention, but what the crop will pay all the expenses and more * * *."

8 Jan. '07, p. 40; 10th Ses. H. J. p. 59.

1829. Farmers' Institutes

- a. 1. Herreid—"Farm Institutes, where practical questions are discussed, prepare the husbandman of today to meet successfully the new conditions and solve the problems confronting him. This important branch of educational 'work is recommended for earnest and favorable consideration."
8 Jan. 1901; 7th Ses. H. J. p. 18.

2. Herreid—"Four years ago I recommended legislation providing for farmers' institutes. South Dakota, one of the greatest ag-

gricultural states, is conspicuous, by being 'the only state making no provision for these institutes.' * * * I believe an appropriation should be made for farmers' institutes under the direction of the president of the Agricultural College."

3 Jan. '05, p. 36-37; 9th Ses. H. J. p. 53.

- b. Elrod—"This Legislature should provide for the holding of farmers' institutes under the supervision and direction of the Agricultural College. Every state in the Union, save two, provides for these institutes: South Dakota and Arkansas."

3 Jan. '05, p. 6; 9th Ses. H. J. 1). 66.

- c. Crawford—"The Superintendent of Farmers' Institutes conducted seventy-two successful meetings in 1906-7 and ninety-six in 1907-8. These institutes are now a permanent feature in the agricultural education of the state and it is your duty to provide the means for making them in every way successful."

5 Jan. '09, p. 37; 111th Ses. H. J. p. 57.

- d. Vessey—"The Farmers' Institutes held throughout the state have been very ably conducted and the source of much good. We have been fortunate in securing Prof. Holden, the corn specialist of Iowa, for a trip through the state on the seen corn Special. His engagement will be of great benefit in giving practical efficiency to the work. If the services of such a man might be obtained by the year, it would be a profitable investment for our state. I recommend that the appropriation for the Institutes be somewhat increased and every measure used which will increase their influence."

5 Jan. '09, p. 8; 11th Ses. H. J. p. 98.

1840. State Fair.

- a. 1. Herreid—Recommends encouragement of same by appropriations.
8 Jan. 1901; 7th Ses. H. J. p. 22.

2. Herreid—Remarks on.

6 Jan. '03, p. 48-49; 8th Ses. H. J. p. 60.

- b. Elrod—" * * * Squeeze the other appropriations and increase the appropriation for the State Fair."

8 Jan. '07, p. 39; 10th Ses. H. J. p. 58.

- c. 1. Crawford—" * * * The South Dakota Board of Agriculture has been doing splendid work. Exhibits of which all who saw them were proud, were made this year both at Huron and Mitchell. Means must be provided which will enable the board to get into the field early and to encourage the raising and preserving and sending to the fair the best specimens from every county in the state. This can not be done without means. Suitable buildings of ample size and arrangements must be provided for the housing and care of exhibits when received and for the exhibition of the same to the best advantage. The report of the board should receive your most careful attention and efficient support by appropriations should be made * * *."

8 Jan. '07, p. 41-42; 10th Ses. H. J. p. 104.

2. Crawford—"The State Fair is now one of the permanent and substantial institutions of the state. No more effective stimulus to better methods of farming and stockraising can be found. No more convincing and attractive advertising of the substantial resources of the state can be devised. No other will bring as good a return for the money spent. * * * I urge that you investigate the need for these buildings carefully, and so far as it is possible, that you grant the aid asked for by these men, who have proven by their devoted and unselfish work that they are entitled to full confidence."

5 Jan. '09, p. 40; 11th Ses. H. J. p. 60.

- d. Vessey—"One of the best forces for the advertisement of our resources has been the State Fair at Huron. This has grown by leaps and bounds. Last year was the most successful in its history. The people are to be congratulated upon its growing importance and the practical demonstration which it affords of the excellence of our resources. Ample provision should be made for its support."

5 Jan. '09, p. 8; 11th Ses. H. J. p. 98.

1856. Wolf Bounty

Lee—Speaking of a statute which appropriates money for. * * "The law should be promptly repealed."

8 Jan. 1901; 7th Ses. H. J. p. 70.

1877. Domestic Animals

Running. Impounding. Fences.

Herreid—"The Commissioner of School and Public Lands recommends the repeal of what is known as the 'free range law,' in force in that part of the state which lies west of the Missouri river * * *."

6 Jan. '03, p. 47; 8th Ses. H. J. p. 58.

1879.

Crawford—"The settlers and homesteaders who have in recent years moved into the newer sections of the State lying west of the Missouri River, and who have begun the cultivation and tillage of the land, are bitterly opposed to sections 10 and 11 of chapter 244 of the Ses. Laws of 1907, which provide that the law restraining owners of live stock from allowing the same to run at large, shall not be operative in that portion of the state lying west of the Missouri River, except in such counties as may adopt the rule by a majority vote at an election called for such purpose by the county commissioners upon a petition of a majority of the electors of such county. They Insist that the law should be of general application all over the state without the necessity of expense and delay in submitting it to a vote in any county. They will earnestly ask that the law be amended by eliminating sections 10 and 11. * * * These new settlers are entitled to the most considerate attention at your hands. They have many difficulties to overcome; many hardships to endure; many risks to incur. Every reasonable effort to help them by just and fair legislation should be made."

5 Jan. '09, p. 43, 11th Ses. H. J. p. 63.

1890. Forestry.

Elrod—"The state should in some way encourage tree planting. * * * Forestry should be more extensively taught in the Agricultural College and in our schools, and I recommend that a state board of forestry be created and that the professor of Horticulture and Forestry, Professor Hansen, be made director thereof. Create a board of five, to be appointed by the Governor, who shall serve for a nominal salary. In a sister state the salary of each member of the Board of Forestry is \$100 per year."

8 Jan. '07, p. 39-40; 10th Ses. H. J. p. 58.

1892. Timber Culture

Herreid—"The repeal of the timber culture law was a calamity to the state. * * * In 1885 and again in 1890 laws were enacted providing for a bounty for tree planting, but under conditions then prevailing and the inadequate inducement, practically nothing was accomplished. I earnestly recommend the enactment of laws which will provide shade and ornamental trees and shrubs for school grounds and public highways, and also encourage planting wood lots for commercial and climatic considerations."

3 Jan. '05, p. 35; 9th Ses. H. J. p. 52.

1900. Game and Fish

- a. 1. Herreid—"During the last two seasons extraordinary efforts have been made to enforce the game laws of our state. * * * In addition to the penalties now prescribed, the law should provide for imprisonment in the county jail for not less than 10 days nor more than six months. * * * I am unable to indorse laws which require a license from nonresidents. Such laws savor of provincialism, sectionalism, and seem to me contrary to the spirit of our institutions."

6 Jan. '03, p. 39-40; 8th Ses. H. J. p. 51.

2. Herreid—"South Dakota needs what nearly every other state now has, a State Game Warden. * * * It should also be made the duty of the State Game Warden to stock the streams and lakes of the state with fish. * * * A law should be passed giving game wardens concurrent jurisdiction over lakes and streams constituting the boundary line between states. It should specifically be made a penitentiary offense for one man to shoot another while hunting deer or large game. This form of manslaughter should not be tolerated as 'accidents.' * * * The following amendments are also recommended: (1) Hunting on Sunday should be prohibited with penalties same as (hunting out of season. (2) The spring shooting of all game should be prohibited. (3) All hunters' licenses to be issued by the State Game Warden and good throughout the state. (4) License fee for small game 50c for residents; and \$10 for nonresidents; large game, residents \$3; nonresidents \$25. (5) License money to constitute a fund for payment of State Game Warden's

salary, expenses for enforcement of all game and fish laws, and propagation of game and fish * * *."

3 Jan. '05, p. 39-40; 9th Ses. H. J. p. 56.

- b. Crawford—"* * * Unless our wild game is more carefully protected from the ravages of the hunter, it will be but a short period of time when we shall have no wild game. In the September number of 'Recreation' is an article from the graphic pen of Clate Tinan, editor of the Kimball Graphic, upon 'The Vanishing Prairie Hen—Why It Cannot Survive, that touches the heart of every lover of this splendid bird. I hope you may be able to agree upon some good and effective law upon this subject. In whatever law you enact, provision should be made that will permit trustworthy persons to take specimens of game and fish, song, insectivorous and other birds for scientific purposes for colleges and museums."

8 Jan. '07, p. 41; 10th Ses. H. J. p. 104.

1950. Game Birds

Elrod—"* * * It seems to me that it might be advisable to make the open season for the shooting of prairie chickens and of quail alternate for a few years."

8 Jan. '07, p. 40-41; 10th Ses. H. J. p. 60.

2040. Labor—Children

Mellette—"Children should not be employed in factories until they are sixteen years of age."

8 Jan. 1890; 1st. Ses. H. J. p. 43.

2041. Labor—Conditions of Employees

Mellette—"No pains should be spared Toy the state to protect the interests and improve the conditions of its wage earners."

8 Jan. 1890, 1st. Ses. H. J. P. 43.

2063. State Mine Inspector

- a. 1. Lee—Recommends increase of salary.

6 Jan. 1899; 6th Ses. 11. J p. 92.

2. Lee—"Laws for the utmost protection of life and limb of the men who work in the mines should be enacted and carefully enforced."

6 Jan. 1899; 6th Ses. H: J. p. 91

- b. Crawford—Quotes from report of Mine Inspector recommendations relative to safety of employees.

5 Jan. '09, p. 51; 11th Ses, H. J. p. 71.

2064. Health and Comfort of Employees

- a. Mellette—"The health and safety of those engaged in this (mining) 'industry should be carefully guarded by the legislature to the end that disasters so common in older mines, may be spared to the faithful toilers."

18 Jan. 1890; 1st Ses. H. J. p. 44.

- b. Herreid—"In a supplementary report (Dec, 11, 1902), the mine inspector recommends a universal system of bell calls which should be adopted in all the mines of the state; also various regulations which experience has demonstrated to be essential and should be enforced by law * * *."

6 Jan. '03, p. 32; 8th Ses. H. J. p. 42.

2097. Labor

Crawford—"* * * A bill is pending before Congress to limit the continuous employment of these men [railroad employees] to 16 hours. A law of the same kind should be enacted here and should provide a respite of eight hours to the employe who has been continuously at work for 16 hours before he can be again called. Not only does the bodily health of the men demand this, but the safety of the public require it." 8 Jan. '07, p. 29; 10th Ses. H. J. p. 91.

2125. Fellow Servant Law

- a. Lee—Recommends changes in statutes relating to. 6 Jan. 1899; 6th Ses. H. J. p.132
- b. Crawford—recommends employers liability act along lines of the federal statute. Jan. '07, p. 28; 10th Ses. H. J. p. 91.

2104. Charities

See also 60, State Institutions; 335, Corrections; 1761, Fraternal Beneficiary Societies.

Crawford—"I found that in the management of the Soldiers' Home, the Reform School and the Hospitals for the Insane and Feeble Minded, much difficulty is experienced in securing efficient help, such as matrons, laborers, attendants, cooks and household servants, because the wages which the management is permitted to pay, are not high enough to meet the competition from the outside. * * The appropriations to pay for help of this kind should permit the state to pay wages high enough to secure the best service, and hold it against outside competition."

8 Jan. '07, p. 7; 10th Ses. H. J. p. 70.

2142. State Boards and Officers

- a. Mellette—"The Constitution places certain institutions under the control of the Board of Charities and Corrections. The wisdom of this single system of management for the institutions is apparent. * * * It is based upon the principle of definitely locating the responsibility for failure and the credit for success which is found to apply alike to successful management of private and public affairs, disregarding methods and demanding results facts and figures constituting the sole test of success. Through an efficient clerk and supervisor the board can keep thoroughly informed of the inner management of each institution and by a rigid system of comparison level them all up to the highest state of efficiency and economy possible." 8 Jan. 1890; 1st Ses. H. J. p. 34.
- b. Herreid—"It is with feelings of peculiar satisfaction that I have transmitted to you the splendid report of the Board of Charities and Corrections. Never before since the establishment of these institutions have they been in charge of officials possessing such pre-eminent qualifications and the complete confidence of the people. Never before have these institutions been so effectually under the

control of a board of control in fact as well as in name. Never before have these institutions been managed so strictly in accordance with business principles so well recognized among successful business men. Today these institutions are distinctly state institutions, managed by the state and in the interests of the state. By purchasing the supplies in large quantities from the lowest responsible bidders large sums of money have been saved * * *."

6 Jan. '03, p. 16; 8th Ses. H. J. p. 27.

2172. Children

Herreid—"I earnestly indorse suggestions made by Superintendent W. B. Sherrard that the Board of Charities and Corrections be authorized and directed to exercise at least a limited power of supervision over the management of said institution. This would insure a greater degree of confidence on the part of the people and prove helpful to the officers of the society."

8 Jan. 1901; 7th Ses. H. J. p. 19.

2186. Deaf and Dumb

- a. Mellette—Recommends that salaries and numbers of teachers be lowered.

7 Jan. 1891; 2d Ses. H. J. p. 19

- b. 1. Lee—Recommends appropriation for.

6 Jan. 1899; 6th Ses. H. J. p. 101.

2. Lee—"Professor Simpson earnestly urges the necessity of a teacher in articulation. * * * A hospital is needed in this institution."

8 Jan. 1901; 7th Ses. H. J. p. 55.

2188. Blind

- a. Mellette—Owing to the failure of the legislature to make appropriations for the blind, the executive was forced to cancel the contract with Iowa for the education of the blind.

3 Jan. 1893; 3d Ses. H. J. p. 21.

- b. Lee—Remarks relative to the asylum for at Gary, S. D.

8 Jan. 1901; 7th Ses. H. J. p. 55-57.

2193. Charities Defectives

Insane

Mellette—It is suggested as a proper subject for inquiry whether the expenses of the inmates of the insane asylum, reform school, and deaf and dumb and blind schools, might not be more justly changed, either wholly or in part to the county where they reside."

8 Jan. 1890; 1st. Ses. H. J. p. 32,

2198. State Asylums

- a. Mellette—Calls attention to condition of buildings, etc.

7 Jan. 1891; 2d Ses H. J. p. 17.

- b. 1. Lee—Recommendations relative to.

6 Jan. 1899; 6th Ses. H. J. p. 99.

2. Lee—Recommendations relative to sewerage in insane hospital.

8 Jan. 1901; 7th Ses. H. J. p. 48.

3. Lee—Recommendations relative to money levied on counties for insane purposes. 8 Jan. 1901; 7th Ses. H. J. p. 48.

4. Lee—Recommendations relative to an appropriation for a burying ground at Insane asylum at Yankton.

8 Jan. 1901; 7th Ses. H. J. p. 49.

- e. 1. Elrod—" * * * A duplicate building should be erected without delay for the women. In one room 20 by 21 feet I found ten beds. The room was scrupulously clean and neat but it is a living shame that ten sick, insane people should be compelled to sleep in the same room. * * * " 8 Jan. '07, p. 19-20; 10th Ses. H. J. p. 38.

2. Elrod—"The last session of the Legislature located an additional hospital for the insane at Watertown to be constructed upon land now belonging to the state, provided no money should be appropriated for building a new hospital until there should be in the hospital at Yankton the proper maximum of 1000 patients. I recommend that the Board of Charities and Corrections be authorized to select the site for the buildings to be hereafter erected on said land and, as soon thereafter as such selection has been made, that they employ a landscape gardener to lay out the grounds and plant trees; that said board should also be required to plant an orchard of not less than five acres on the Said lands, and that the cultivation and care of said trees and orchards from the time they are planted should be under the control of said board, and that a sufficient appropriation -be made for the above named purpose."

8 Jan. '07, p. 21; 10th Ses. H. J. p. 40.

2200. Education

Elrod—"At the annual meeting of the county superintendents they requested me to appoint a committee to revise and rewrite the school laws of the state. * * * The school laws of the state have been amended and changed so many times that it is important that they be edited and reenacted."

8 Jan. '07, p. 8; 10th Ses. H. J. p. 27.

2215. Feeble blinded

1. Lee—"There is a crying need for an institution for the feeble minded. * * * No class of unfortunates are more needful of the assistance of the state than they."

6 Jan. 1899; 6th Ses. H. J. p. 105.

2. Lee—"There are said to be enough feeble minded children in the state to fully occupy the building [Northern Hospital at Redfield] and there is an urgent necessity that it be opened as soon as practicable."

8 Jan. 1901; 7th Ses. H. J. p. 49.

2220. Schools

- a. Mellette—"Too many school officers, too many school buildings, too many school teachers and too many expensive state educational institutions are now faults with our present school system that should be at once remedied, * * * We could begin with the civil

township, making that the first unit of our school system. * * * One school officer should (have entire control * * * for each school district. * * * The county should be made the next division. In each county there should be formed a county board of education with the county superintendent as the executive officer. A state board of education consisting of not more than seven or nine should be organized."

The duties and powers of 'the board mentioned, and courses of study outlined for the system.

Free text books urged.

7 Jan. 1891; 2d Ses. H. J. p. 24.

- b. 1. Lee—"There is no disposition, so far as I know, to disrupt or disorganize any of these institutions, but there is an urgent necessity for their reorganization upon a basis of greater usefulness and broader culture."

7 Jan. 1897; 5th Ses. H. J. p. 36.

2. Lee—Advises liberal appropriations for.

8 Jan. 1901; 7th 'Ses. H. J. p. 40.

EDUCATION

2223. Common Schools

- a. Mellette—"There s special need of revision of the system in the interest of simplicity and economy. It is in the common schools that the state's educational interest is centered; they constitute the people's department of education. * * * It is hoped at least that the common school system will be placed upon the highest standard developed by experience, and thus give to every child of the state a substantial education, fitting 'it for the duties of citizenship and usefulness before turning it adrift in life. To this end compulsory acceptance of Lthe advantages freely furnished at public expense is recommended and also free use of necessary books when the child or its parents are unable through, poverty, to provide them. Steps should be taken also to secure uniformity of text) books which should be purchased by lthe state and * * * furnished at cost to all able to purchase * * * this method would result in the saving of many thousands annually."

8. Jan. 1890; 1st Ses. H. J. p. 36.

- b. Lee—"I see no reason why the public schools should not prepare our students for university training. * * * If the objection to making the high schools do preparatory work is not to be overcome, then there can be no sound reason why counties should not be permitted to establish gymnasiums and academies where common school students may be prepared to enter the university sophomore year."

6 Jan. 1899; 6th Ses. H. J. p. 87.

- c. 1. Herreid—Remarks relating to report of Superintendent of Public Instruction.

6 Jan. '03, p. 14-16; 8th Ses. H, J. p. 25-26.

2. Herreid—Remarks on.

3 Jan. '05, p. 18-19; 9th Ses. H. J. p. 36-37.

2229. Boards, Officers

- a. Mellette—Speaking of the Regents of Education. "The Constitution partially explains the relations and duties of this board and the legislature should define them thoroughly. * * * It is the duty of the legislature to fix the compensation of this board and it is earnestly recommended that the pay be not such as to be the attractions for the position. * * * In fact it is believed that there should be no pecuniary compensation whatever to the Regents of Education, in order to prevent the suspicion that the sacred trust is being discharged for other than the highest consideration of honor and citizenship." 8 Jan. 1890; 1st Ses. H. J. p. 34.
- b. Sheldon—Invites consideration to an amendment to chapter 6, laws of 1890, providing for appointment of Regents of Education. 8 Jan. 1895; 4th Ses. II. J. p. 30.
- c. 1. Lee—"I should suggest that the regents should be chosen by a direct vote of the people, for the reason that the present method places too much power in the hands of the executive; and if we are to cultivate a purer democracy the patronage of the executive office should be curtailed as much as will be consistent with good public policy." 7 Jan. 1897; 5th Ses. H. J. p. 36.
2. Lee—"I fully agree with the suggestions made by the president of the board of regents that a levy of eight-tenths of a mill tax on the dollar of all taxable property of the state and the equitable apportionment of the revenues derived there from among the educational institutions would be much better than the present method of providing funds for their maintenance." 6 Jan. 1899; 6th Ses. H. J. p. 94.
3. Lee—Condemns method of board by which each member is assigned one institution to look after, and a recommendation of a single member is adopted by the board. 6 Jan. 1899; 6th Ses. H. J. p. 96.
4. Lee—Calls attention to same point. 8 Jan. 1901; 7th Ses. H. J. p. 44.

Superintendent

Herreid—"The Superintendent of Public Instruction should be ex-officio a member of the Board of Regents. This would require an amendment to the Constitution."

8 Jan. 1901; 7th Ses. H. J. p. 18.

Regents

Herreid—"Chapter 58, Laws of 1897, provides for the appointment, and defines the powers and duties of Regents of Education. * * * 9 believe that these restrictions upon the selection of members of this board should be removed. * * * The Governor who is responsible to the people of the state for the highest efficiency of the management of state institutions should be absolutely free to select 'the best and the best known citizens' without any reference what-

ever to their political affiliations. The members would then feel that they were selected, not because they happened to belong to a particular political party, but solely on account of their qualifications and standing as citizens. * * * The number should be increased from five to seven. It should be made the duty of the board to select a secretary, who is not a member of the Board of Regents, who should be given a reasonable salary and required to devote all his time to the interests of (the educational institutions of the state."

8 Jan. 1901; 7th Ses. H. J. p. 17.

2230. County Superintendent

- a. 1. Herreid—Recommendations relative to tenure of office and salary. 8 Jan. 1901; 7th Ses. H. J. p. 24.

2. Herreid—Salary of county superintendent.

6 Jan. '03, pp. 15, 35; 8th Ses. H. J. pp. 25, 46.

- b. Elrod—"The county board of education as now constituted is composed largely of men who are not educators and who are not engaged in educational work. It is my opinion that the membership of the county board of education should be cut down and limited to the county superintendent and experienced teachers. * * * County superintendents have too much on their hands. This is especially true in some of our large and densely populated counties. It seems to me that it would be advisable in counties where the population is more than 8,000 to allow the county superintendent to appoint an assistant who should hold a first grade certificate and in addition should be a stenographer."

8 Jan. '07, p. 8; 10th Ses. H. J. p. 27.

2233. Buildings. Grounds

Elrod—Additional ground for Northern Normal and Industrial School.

8 Jan. '07, p. 9-10; 10th Ses. H. J. p. 28.

2240. Funds, Lands, Taxes

- a. 1. Mellette—The School Fund—"No more sacred trust devolves upon this body than the legislation to faithfully protect and increase to its greatest possible limit the common school fund. * * * Special provision should be made charging proper officials with the defense of the state's title to her lands * * * as it may be confidently predicted that there will be constant raid upon the most valuable of these lands until their final sale."

8 Jan. 1890; 1st Ses. H. J. p. 36.

2. Mellette—"An important question has arisen as to whether the railroads which have appropriated school lands for their uses before admission into the Union have thereby acquired a legal easement therein, and steps should at once be taken for its determination without undue annoyance to the corporations, and yet to fully protect the interests of the state."

3 Jan. 1893; 3d Ses. H. J. p. 13.

- b. 1. Sheldon—"Wisdom would seem to indicate that these lands should be secured as speedily as possible before all our most valuable land is taken by settlers under the homestead law. An appropriation will be asked a reasonable amount should be granted." 3 Jan. 1893; 3d Ses. H. J. p. 35.
2. Sheldon—Provide by statute for apportionment of 170,000 acres for educational and charitable purposes. 8 Jan. 1895; 4th Ses. H. J. p. 24.
3. Sheldon—Speaking of the laws of 1891, sub-chapter 11 of chapter 56, section 27, relating to the levy and apportionment of school taxes * * * "This law was evidently intended for the purpose of rendering aid to the poorer sparsely settled districts. * * * The auditor in his report declares that reports received from various counties, (indicate that this tax in many instances is altogether ignored, and that in some counties only a part of this amount is levied * * *, the law ought to be enforced and the tax collected." 8 Jan. 1895; 4th Ses. H. J. p. 26.
4. Sheldon—Relative to certain lands which had come into possession of the state from W. W. Taylor and his bondsmen: * * * "The legislature failed to make any provision for the leasing or selling of this property. * * * Some provision should be made * * *." 8 Jan. 1897; 5th Ses. H. J. p. 70.
5. Sheldon—Speaking at the commissioner of school and public lands and report relative to endowment funds included in the Taylor defalcation: " * * * The commissioner suggests that provision should be made for the transfer from the funds received by the state from said Taylor and his bondsmen, of an amount sufficient to restore this amount to the proper funds." 8 Jan. 1897; 5th Ses. H. J. p. 68.
6. Sheldon—Speaking of the investment of the permanent school fund: " * * * it is deemed wise that some provision shall be made by the legislature other than that which now exists, for investment at the discretion of the commissioner in state and County bonds." 8 Jan. 1897; 5th Ses. H. J. p. 68.
7. Sheldon—Mentioning certain bonds which were matured: * * * "Would it not be well for the legislature to provide for the refunding of these bonds into 6% bonds into which the permanent school fund may be invested." 8 Jan. 1897; 5th Ses. H. J. p. 69.
- c. 1. Lee—Relating to the proposition of an appropriation for the purpose of sinking (artesian wells on the school lands. 'This proposition is at least worthy of investigation.' 7 Jan. 1897; 5th Ses. H. J. p. 40.
2. Lee—" * * * I desire to call attention to the fact that with the limited 'help of the office of the commissioner it is impossible to secure consideration for all the school lands which are used, and experience has shown that if a state agent were placed upon the road to carefully guard these lands much more revenue could be derived from them." 6 Jan. 1899; 6th Ses. H. J. p. 76.

3. Lee—"The penalty (for trespass) is so severe as to defeat the object of the law." 6 Jan. 1899; 6th 'Ses. H. J. p. 76.
- d. 1. Herreid—Calls attention to recommendations of Commissioner of School and Public Lands. 6 Jan. '03, pp. 47-48; '8th Ses. H. J. p. 58-59.
2. Herreid—Remarks on Department of School and Public Lands. 3 Jan. '05, p. 24; 9th Ses. H. J. p. 41.
- e. Elrod—"* * * The present system is a safe and conservative one. Then why experiment with schemes which would expose this great fund to an army of grafters? It would certainly follow if the state should withdraw school lands from sale and should undertake to lease school lands for farming purposes." 8 Jan. '07, p. 30-33; 10th Ses. H. J. p. 52.
- f. Crawford—"While the unsold school lands are steadily advancing in value, it is very doubtful wisdom to go on selling them. In my judgment, the best of these lands should be taken from the market, and I heartily agree with the recommendation of the commissioner that the minimum price be raised to \$20 per acre ***." 8 Jan. '07, p. 9-10; 10th Ses. H. J. p. 72.

2241. Satisfaction of Mortgage Nor Loan of Moneys

- a. 1. Sheldon—Points out there is no law covering subject. 8 Jan. 1895; 4th Ses. H. J. p. 24.

Failure to Pay Interest and Principal

2. Sheldon—Recommends law governing bringing of actions to set aside contracts for purchase of school lands be changed, also to provide a specific 'time when land should be declared delinquent for nonpayment of interest. 8 Jan. 1895; 4th Ses. H. J. p. 24.
- b. 1. Lee—"The state has large sums of school money lying idle for some time, and -the amount likely to increase. Under the present law it can only be loaned on land security, and the amount which can be loaned to any one person is limited to \$500, regardless of the value of the security. The Commissioner recommends that the Jaw be so modified that school funds can be invested in county, school, municipal and state bonds." 6 Jan. 1899; 6th Ses. H. J. p.'76.
2. Lee—"I see no good objection to the Commissioner of School and Public Lands buying registered general fund warrants and he might profitably be authorized to invest a, portion of the school fund that way. *** I believe the time has also arrived when the question should be submitted to the people to amend the Constitution, reducing the rate of interest on our school fund, that we may successfully compete for first class securities in large blocks." 8 Jan. 1901; 7th Ses. H. J. p. 35.
- c. Herreid—"The 'permanent school fund' at the close of the fiscal year had reached the sum of \$4,084,566.59. Of this slim on that

day \$538,511.06 was lying idle in the state treasury. * * * Our magnificent school fund will in the near future assume gigantic proportions. The Commissioner of School and Public Lands estimates that the remaining unsold school lands can in the near future 'be sold at a price at least equal to the average of those lands already sold, or \$14.60 per acre'—a sum exceeding \$31,000,000. The question is: What shall be do with this large trust fund? With a decreasing rate of interest on gilt-edged securities, and the public and private indebtedness of the state rapidly disappearing, the day is not far distant when it will be necessary to look beyond the state for the investment of this fund. The judicious management of this money will demand discriminating care and business ability of the highest order, and a comprehensive system sufficiently broad and elastic to remain operative, not till the 'next session of the Legislature, but for many years to come * * *."

6 Jan. '03, p. 11; 8th Ses. H. J. p. 22.

2254. Teachers. Salaries.

- a. Herreid—"School boards and patrons are demanding a higher grade of teachers and are willing to pay higher wages."

6 Jan. '03, p. 14; 8th Ses. H. J. p. 25.

- b. Elrod—"It is a wonder to me that our schools are so efficient when we take into consideration that the average wages paid male teachers in 1906 was but \$42.12 and female teachers but \$38.01 We are undoubtedly increasing the standard of our teachers but are not increasing their pay as we should. Under present conditions, just as soon as a teacher can find some other employment he, or she, quits school work. Low wages make it necessary to employ inexperienced teachers. On account of the low wages paid, many of our schools were closed as late as the first of November for want of teachers. * * * Increase wages and the quality and quantity of teachers will improve."

8 Jan. '07, p. 7-8; 10th Ses. H. J. p. 26.

2256. Qualifications

1. Herreid—"I believe the time has arrived when some normal training should be a prerequisite to obtaining a license to teach in any public school in the state * * *"

6 Jan. '03, p. 14; 8th Ses. H. J. p. 25.

2. Herreid—"* * * I now believe the time has arrived for legislation requiring a diploma of graduation from a normal school or other institution having a normal course approved by the Superintendent of Public Instruction, as a prerequisite to obtaining a teachers' certificate or license to teach in the public schools; such a law to take effect at some future time * * *"

3 Jan. '05, p. 20; 9th Ses. H. J. p. 37.

2266. State Normals

- a. Mellette—Speaking of Normals, etc. —"It it suggested as a matter of serious inquiry by the legislature whether those institutions are

not being maintained at a cost beyond what is warranted by the resources and needs of the new state. * * * In view of the fact that some years must elapse before the state can realize to any great extent upon her lands set apart for educational endowment purposes, and that she cannot afford to reduce the efficiency of the common schools, it is suggested that a decided reduction of expenditures for the institutions devoted to higher education might be safely made for the relief of our overburdened taxpayers, and still preserve their substantial 'benefits to the state."

8 Jan. 1890; 1st Ses. H. J. p. 33.

- b. Sheldon—Speaking of the Springfield Normal—"No appropriation, however, was ever made and no provision for the maintenance of such a school, until the donation of land by the last legislature, it is eminently proper that you should consider the request for at least a limited appropriation of money for the maintenance of the normal school at this place."

8 Jan. 1897; 5th Ses. H. J. p. 77.

- c. 1. Lee—"The tendency to multiplication of normal schools should be curbed * * *."

8 Jan. 1901; 7th Ses. H. J. p. 40.

2. Lee—Speaking of moneys advanced by citizens of Spearfish—"The legislature should promptly pay the amount advanced by the citizens of Spearfish."

8. Jan. 1901; 7th Ses. H. J. p. 41.

- d. Herreid—Remarks on.

6 Jan. '03, pp. 22-24; 8th Ses. H. J. p. 34-35.

2272. Transportation of Children

Mellette—Recommends.

3 Jan. 1893; 3d Ses H. J. p.17

2275. School Year, Month, Day

Elrod—"It is my opinion that our public school year is too long. Children ought not to be In the schoolroom to exceed eight months in any one year; teachers ought not to be required to each to exceed eight months a year. Then, there is altogether too much theory and too much red tape in our schools. The tendency seems to be to load the child's mind 'too heavily Land with too many subjects. Shorten the term, simplify the work and increase the pay of the teacher."

8 Jan. '07, p. 8-9; 10th Ses. H. J. p. 28.

2282. Text Books

Lee—"I am of the opinion that the state can safely undertake the compilation and publication of is own school text books without fear of failure."

7 Jan. 1897; 5th Ses. H. J. p. 38.

2331. Gifts

Crawford—"It appears from the report of the Board of Regents that Mr. Carnegie has offered to donate \$40,000 for the erection of a library building for the use of the University upon its grounds at Vermillion, conditioned upon the State contributing annually \$6,500 for its maintenance. * * * The Board recommends that the Legislature give the- necessary authority to accept the offer. Also

that the Legislature and Governor endorse the action of the Board in applying to the Carnegie Foundation for participation in that fund so that teachers in the University may be eligible to a retiring pension under the terms of the Foundation. * * * I concur in both these recommendations."

5 Jan. '09, p. 36; 11th Ses. H. J. p. 586.

2332. University

- a. Mellette—Recommends the abolition of the normal department.

7 Jan.'1891; 2d Ses. H. J. p. 22.

University—Salaries

- b. Lee—Recommends higher salaries for teachers in all educational institutions.

6 Jan. 1899; 6th Ses. H. J. p. 95.

2. Lee—Recommends an appropriation of \$50,000 for new building to be used for laboratories.

8 Jan. 1901 7th Ses. H. J. p. 42.

- c. Crawford—"* * * In practice there are no sufficiently clear and well defined limits as to the scope within which a given educational institution is confined to its work. As a result, there is a growing tendency to overlap and to work at cross-purposes; a constant temptation on the part of one to enlarge its plan so as to receive students who properly belong to the other. * * * I am looking at the matter with perfect impartiality and with a desire to be just and fair to each institution, and I submit that it will be better for each and all of them to have their several courses of study and lines of work so clearly defined, that each will (perform its functions in the most acceptable manner to the state without overlapping the work of another, and that they be held strictly to the channels, and that the expenditure of public funds in their aid be kept strictly within the limits, prescribed by law. Great care, of course, should be used in fixing these limits so as not to impair the usefulness of each, but they should be made clear and specific and when made, should be strictly adhered to."

8 Jan. '07, p. 5-6; 10th Ses. H. J. p. 69.

- d. Vessey—"* * * I urge upon you a continuance of the wise and liberal policies of the past, a careful husbanding of their munificent endowment, and ample provision for their growing demands."

5 Jan.

2263. Teachers' Institutes

Herreid—"The county teachers' institute is an inheritance from a period which antedates the modern normal school. * * * With numerous easily accessible normal schools, and colleges giving special attention to the training of teachers, the pathetic efforts of county Institutes to impart elementary training—to do in two weeks what the normal school does in two years—is a waste of time, energy and money. * * * The county institute should be limited to five days and the work should be upon purely 'inspirational lines.'"

3 Jan. '05, p. 20-21; 9th Ses. H. J. p. 37.

SPECIAL SCHOOLS**2328. State Aid**

Herreid—State aid to high schools recommended.

3 Jan. '05, p. 21-22; 9th Ses. H. J. p. 28-

2332. Educational Institutions

1. Herreid—"The State University, four normal schools, the Agricultural College, and the School of Mines-seven educational institutions-are by the Constitution placed under the control of a board of five members called Regents of Education * * *."

6 Jan. '03, p. 15; 8th Ses. H. J. p. 25.

2. Herreid—Discussion of.

3 Jan. '05, p. 19-20; 9th Ses. H. J. p. 36.

2334. Instruction. Students

Elrod—" * * * It seems to me that it is unwise to attempt to teach mechanical engineering at the State University when we take into consideration our financial condition, and the splendid facilities we have for teaching mechanical engineering at the Agricultural College * * *."

3 Jan. '05, p. 7; 9th Ses. H. J. p. 67.

2343. Agricultural College

a. Sheldon—" * * * the suggestions of the board of regents as to appropriations which may be asked for securing increased facilities, is worthy of your careful consideration."

8 Jan. 1897; 5th Ses. H. J. p. 78.

b. Lee—"This sum (money advanced by a citizen) should be repaid with interest under an emergency clause."

8 Jan. 1901; 7th Ses. H. J. p. 43.

c. Herreid—Remarks on the Agricultural College and Farmers Institutes.

3 Jan. '05, p. 36; 9th Ses. H. J. p. 53.

2350. School of Mines

a. Mellette—"It is suggested that what might be called the luxuries such as music and the fine arts, and superfluous employees and teachers be the first to go, and that the substantial be preserved in the educational curriculum and in instructors."

7 Jan. 1891; 2d Ses. H. J. p. 22.

b. Sheldon—Quoting the report of the regents: "It is thought desirable to broaden the curriculum * * * so that studies of a more general nature, but still allied to mining interests may be offered to the residents of the mining districts of the Black Hills region."

8 Jan. 1897; 5th Ses. H. J. p. 74.

c. Lee—"A good school of mines is therefore necessary and should be properly maintained to assist one of our most important industries."

8 Jan. 1901; 7th Ses. H. J. p. 44.

2354. Library, State

a. Sheldon—Recommends an appropriation for the care of books.

8 Jan. 1897; 5th Ses. H. J. p. 61.

b. Herreid—" * * * The miscellaneous library of the state, now in ut-

ter confusion and useless, should be placed in the custody of the Historical Society and means provided for its classification and arrangement, so that it may become available and valuable."

3 Jan. '05, p. 23; 9th Ses. H. J. p. 40.

- c. Elrod—" * * I believe the time has come when the state should make a small annual appropriation for the purchase of necessary reference books for this [state] library."

8 Jan. '07, p. 37; 10th Ses. H. J. p. 56.

2360. School Libraries

Herreid—"Two years ago a law was enacted providing for public school libraries. The wisdom of such a law is now conceded."

6 Jan. '03, p. 15; 8th Ses. H. J. p. 25.

2363. Historical Society

- a. 1. Herreid—Urges incorporation of and appropriation for. .

8 Jan. 1901; 7th Ses. H. J. p. 31.

2. Herreid—" * * *. The act of the Legislature of 1901 creating the Department of History will be recognized as one of its most important acts of legislation * * *."

6 Jan. '03, p. 51; 8th Ses H. J. p. 63

3. Herreid—Further recommendation.

3 Jan. '05, p. 23; 9th Ses. H. J. p. 40.

- b. Elrod—"This Department [of history] has charge of the State Historical Society, the eState Census, the Vital Statistics and the State Library and has recently open a division of legislative reference. * * * I think the Legislature should make provision for additional help in the department * * *."

8 Jan. '07, p. 37; .10th'Ses. H. J. p. 56.

2377. Memorials to Individuals

Elrod—Statue to Arthur C. Mellette, first governor of the state of South Dakota.

8 Jan. '07, p. 22-24; 10th' es. H. J. p. 41.

2384. Geological Survey

- a. Herreid—"Geological surveys should be continued to the end that the mineral wealth of our state may be better understood and our hidden 'treasure brought to light. These surveys also contemplate an examination of the artesian basin, which has recently been found to extend into the grazing region of the state. A reasonable appropriation for the continuation of this work will benefit the en-tire citizenship of the state."

8 Jan, '01, p. 6; 7th Ses. H. J. p. 18.

Also 6 Jan. '03, p. 49; 8th Ses. H. J. p. 61.

- b. 1. Crawford—"Another subject worthy of legislative support is a geological survey of the lignite coal beds in the state west of the river so that the public may know their extent and where they are located; also of the 'Bad Lands.'"

8 Jan. '07, p. 42; 10th Ses. H. J. p. 105.

2. Crawford—"I also call your attention to what Prof. Ellwood, C. Perisho, the State Geologist, says in his report to the President of the State University and to the Board of Regents, concerning the completion of the work of making a geologic survey of the lignite coal beds west of the Missouri River and of the 'Bad Lands.' I earnestly recommend that these investigations be supported by adequate appropriations." 5 Jan. '09, p. 39; 11th Ses. H. J. p. 59.

2388. Military Regulations

Herreid—Armored cruiser South Dakota.

3 Jan. '05, p. 33; 9th Ses. H. J. p. 50.

2391. Militia

- a. 1. Mellette—"It is recommended that the entire law upon the subject be revised with reference to the needs of the new state upon the basis of economy commensurate with her resources." 8 Jan. 1890; 1st Ses. H. J. p. 47.
2. Mellette—"A definite sum should be appropriated for this department and paid in full under the law, which should be modified so as to bring the expenses within the appropriation." 7 Jan. 11891; 2d Ses. H. J. p. 36.
- b. Sheldon—"No muster of the National Guard has been made since statehood. I cannot ask that money shall now be appropriated for that purpose, but I hope that you will not feel that an appropriation for the maintenance of the National Guard is money thrown away." 8 Jan. 1895; 4th Ses. H. J. p. 34.
- c. 1. Lee—Urges appropriations for support of, and for salary of adjutant general. 6 Jan. 1899; 6th Ses. H. J. p. 127.
2. Lee—Referring to the question of money advanced by counties for the return of the militia from San Francisco:—"The money advanced by the (counties should be returned at the earliest opportunity, that the burden may fall equally on the entire state." 8 Jan. 1901; 7th •Ses. H. J. p. 61.
- d. 1. Herreid—Recommendations. 6 Jan. '03, p. 20-22; 8th Ses. H. J. p. 31-34.
2. Herreid—Statements relative to the money distributed by Federal government to militia of several states. 3 Jan. '05, p. 29-30; 9th Ses. H. J. p. 46.
- e. Elrod—Recommendations relative to appropriation for. 3 Jan. '05, p. 6; 9th Ses. H. J. p. 66.
- f. Crawford—"The state may well be proud of its militia. I cannot speak too highly of the men and their officers, from colonel to private. I earnestly request that you give full consideration to the suggestions and recommendations f the Adjutant General and that the organization be sustained by a sufficient appropriation." 5 Jan. '09, p. 55; 11th Ses. H. J. p. 75.
- g. Vessey—"The state militia is in a very satisfactory condition. It fills an important place in the needs of the state and I recommend the usual appropriation for its maintenance." 5 Jan. '09, p. 11; 11th Ses. H. J, p. 101.

2394. Militia—Grounds

- a. Sheldon—Communication relative to the state's acceptance of the Sisseton military reservation.
8 Jan. 1895; 4th Ses. H. J. p. 35
- b. Herreid—Fort Sisseton. Encampment.
6 Jan. '03, p. 40-41 ; 8th Ses. H. J. p. 52.
- c. Elrod—" * * * At the beginning of this administration the camp grounds contained 60 acres. Adding the 53 acres which we have purchased as aforesaid, the grounds now contain 113 acres. It is a (handsome property, splendidly located. General Englesby recommends that an appropriation of \$30,000 be made for the coming two years. There are a number of improvements and betterments that ought to be made in addition to the necessary expense incident to the maintenance of the guard. I would like to see trees set around the buildings and along the boundaries of the grounds. They would add very much to the appearance of the landscape. Having a personal knowledge of the property, the surroundings and the conditions, I heartily concur in General Englesby's recommendation."
8 Jan. '07, p. 21-22; 10th Ses. H. J. p. 40.

2416. Soldiers' Home

- a. Mellette—Speaking of the Home at Hot Springs: —"In view of its proper location for a National Home and Sanitarium and to increase its sphere of usefulness in a cause which should recognize no state boundaries, it is suggested that it would be fitting to invite the United States Government to take up the work so grandly begun by the young state, as it is believed the health-giving waters here found will lengthen for many years lives prematurely succumbing to the special diseases originating in the hardships and privations of soldier life."
8 Jan. 1890; 1st Ses. H. J. p. 33.
- b. Sheldon—Speaking of the appropriations for: —"While it will be your duty to carefully scrutinize every claim that is presented to you, you will not fail to remember that this is regarded even superior to an institution of charity."
8 Jan. 1895; 4th Ses. H. J. p. 41.
- 2. Sheldon—Urges appropriations for (library and general maintenance).
8 Jan. 1897; 5th Ses. H. J. p. 91.
- c. 1. Lee—"If the legislature desires that the home and the hospital shall be open to all veterans who seek admission from this time forward, some provision must be made immediately to provide for the rapidly increasing membership until the new regular appropriation is available." Further suggestions relating to buildings and temperance.
6 Jan. 1899; 6th Ses. H. J. p. 10(66).
- 2. Lee—Calls attention to the appropriation asked for.
8 Jan. 1901; 7th Ses. H. J. p. 76.
- d. 1. Herreid—Advises liberal appropriation.
8 Jan. 1901; 7th Ses. H. J. p. 29.
- 2. Herreid—Further recommendations.
6 Jan. '03, p. 19-20; 8th Ses. H. J. p. 30-31.

3. Herreid—Calls attention to report of Commissioners.

3 Jan. '05, p. Q6-27; 9th Ses. H. J. p. 43-44.

e. Elrod—Remarks on.

3 Jan. '05, p. 6; 9th Ses. H. J. p. 66.

f. Crawford—"No institution in the care of the state has stronger claims upon your patriotism and affections. No other class of men are entitled to higher consideration. You will, no doubt, carefully note all the suggestions -and recommendations made by the efficient, officer in charge and by the faithful members of the board, and make every reasonable provision for the maintenance of this worthy institution."

5 Jan. '09, p. 56; 11th ISes. H. J. p. 76.

2417. Admission

Crawford—"In the management of the Soldiers' Home, complaint is made that men who are habitual drunkards are (denied admission. The position of /the Commandant is clearly defined in his report. You should examine this subject and either sustain him by legislative provision prescribing a rule in such cases, or by enacting such legislation as may be necessary" to make provision for caring for inebriate soldiers in some manner, that will not cause discomfort to the other inmates."

8 Jan. '07, p. 8; 10th Ses. H. J. p. 71.

2499. Unorganized Counties

Lee—"There is no provision of law for the reimbursement of Butte county for the expense incurred to prosecute crimes committed outside of her boundary lines (in unorganized counties). It is an injustice and the legislature should provide for the relief of the counties which are now burdened with this expensive litigation."

17 Jan. 1897; 5th Ses. H. J. p. 40.

2510. County Commissioners

Herreid—Recommendations relative to selection and election of.

8 Jan. 1901; 7th Ses. H. J. p. 25.

2627. Municipal Utilities

1. Crawford—Remarks relative to the Telephone Commission and appropriation for expenses. Telephone Commissioner to act with Railroad Commissioners in matters relating to telephone companies.

6 Jan. 1909, p. 26-27; 11th Ses. H. J. p. 46.

2. Crawford—" * * * In other words, that the Board of Railroad Commissioners be given the powers of a Public Service Commission, adopting such provisions from the New York Public Utilities Act of 1907 as are adapted to the conditions of our state. Already electric lines of railroad are being projected and legislation must keep step with the progress of the time."

5 Jan. '09, p. 127; 11th Ses. H. J. p. 47.

2700. Good Roads

a. 1. Herreid—" * * * It is evident that the problem of good roads, while of primary importance to the farmer, is one of tremendous importance to the general public. This fact has been recently rec-

ognized by more than half a dozen states where crude flaws and antiquated systems of highway improvement have been supplanted with highway commissioners having competent jurisdictions and exercising intelligent supervision over road affairs ***.”

6 Jan. '03, p. 38; 8th Ses. H. J. p. 49-51.

2. Herreid—“* * * I believe that this Legislature should provide for a commission of five members who during the next two years could give this [good roads] subject such consideration as its growing importance demands and report to the next Legislature recommendations for such legislation as the situation may require ***.”

3 Jan. '05, p. 34; 9th Ses. H. J. p. 51.

- b. Elrod—“South Dakota needs better roads. A permanent and uniform plan should be adopted; a supervisor of roads having the qualifications of an engineer should be appointed by the county, the supervisor to have charge of all the highways in his county and have authority to let all road work by contract. All road taxes should be paid in cash. After the road work has been performed by a contractor, it should be inspected by the county supervisor and certified 'to the county commissioners for payment. Great care should be exercised in framing the bill to avoid increased taxes.”

8 Jan. '07, p. 41; 10th Ses. H. J. p. 60.

- c. Vessey—“Under our present system, the responsibility is too divided and the general character of the work done upon the roads so inefficient, that a change seems imperative. I recommend that road taxes be required to be paid in cash; that the office of township road supervisor be abolished, and the office of county road supervisor created. This officer should be appointed by the board of county commissioners in each county and should have authority, outside of incorporated towns, over all the roads in the county for which he is chosen. The work on the public highways should be done by contract and the supervisor made responsible for the supervision of all contract work. The powers of the Board of County Commissioners should be so extended that they may have the same right to make expenditures for the building of needed grades, that they now have for the building of bridges.”

5 Jan. '09, p. 8; 11th Ses. H. J. p. 98.

2714. Poll Tax and Road Work

Herreid—“* * * In this connection I would recommend the abolition of the primeval custom of 'working out' the poll and road tax. * * * I could mention more than one county in the state where for 20 years or more the road tax has been 'worked out,' and the only tangible evidence of this fact consists in huge packages of canceled warrants on the county fund drawn for imaginary services on the part of the district road supervisor ***.”

6 Jan. '03, p. 39; 8th Ses. H. J. p. 50

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